Polit. Parsons vol 91.

GOD and the KING:

OR, A

DIALOGUE

Shewing, that

OUR SOVEREIGN LORD,

THE

King of ENGLAND,

NOW REIGNING,

Doth rightly claim whatsoever is required by the Oath of Allegiance.

N. B. This Treatise was wrote by the special Command of King *James* the First, and has been publish'd by Royal Proclamation, as a Piece worthy the Perusal of every Subject, who has any Affection for his KING and COUNTRY.

To which is added an APPENDIX, of Bishop *Saunderson*'s of the *Obligation* of *Human Laws.*

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PREFACE.

MY ſincere Affection to my King and Country, has put me upon giving the Publick a new Edition of this Treatiſe, in which (if I may uſe the Expreſſion) every Subject may hear his Duty to his Sovereign, ſupported by ſuch undeniable Arguments, drawn from Revelation and Hiſtory; as will tend to make him a good Subject to the beſt of Kings. Tho' it has gone through

through ſeveral Editions, yet this ſeems wanting, that a Treatiſe wrote by ſo maſterly a Hand tending to ſo much good, may nevver be forgot as long as we have a King on the Throne. Theſe are the hearty Wiſhes of,

SIR,

Your Humble Servant,

Nathaniel Booth.

GOD *and the* KING:

OR, A

DIALOGUE,

SHEWING

That our Sovereign Lord KING *JAMES*, being immediate under GOD within his Dominions, doth rightfully claim whatſoever is required by the Oath of Allegiance.

Theodidactus.

YOU are well met, Friend *Philalethes*, your Countenance and Geſture import, that your Thoughts are much buſied: What may be the Occaſion of theſe Meditations?

Philalethes. Somewhat I heard this Evening-Prayer from our Paſtor in his Catechiſtical Expoſitions upon the Fifth Commandment, * *Honour thy Father and thy Mother:* Who taught, that under theſe pious and reverend Appellations of *Father* and *Mother*, are comprized not only our natural Parents, but likewiſe all

* Exod. 20.

higher Powers, and eſpecially ſuch as have Sovereign Authority, as the Kings and Princes of the Earth.

Theodidactus. Is this Doctrine ſo ſtrange unto you, as to make you muſe thereat?

Philalethes. God forbid: for I am well aſſured of the Truth thereof, both out of the Word of God, and from the Light of Reaſon. The ſacred Scriptures do ſtile Kings and Princes the * *nurſing Fathers of the Church*, and therefore the nurſing Fathers alſo of the Commonweale: theſe two Societies having ſo mutual a Dependance, that the Welfare of the one is the Proſperity of the other.

* Eſaiah 49.

And the Evidence of Reaſon teacheth, that there is a ſtronger and higher Bond of Duty between Children and the Father of their Country, than the Fathers of private Families. Theſe procure the Good only of a few, and not without the Aſſiſtance and Protection of the other, who are the common Foſter-fathers of thouſands of Families, of whole Nations and Kingdoms, that they may live under them an honeſt and peaceable Life.

There being ſo firm and near an Obligement of Subjects in Duty and Obedience unto their Prince, I could not but ſeriouſly meditate with my ſelf, or rather enter into ſome thoughtful Admiration,

ration how there ſhould be any ſo far unnatural and forgetful of their many Ways bounden and inbred Duty, as to enforce his moſt excellent Majeſty to ſecure himſelf of his Subjects Loyalty and Allegiance by a ſolemn Oath.

Theodidactus. Such is the general Pravity and Corruption of Men, that in moſt Kingdoms and Common-weals, there have ever riſen ſome ſeditious *Corahs* and rebellious *Shebas.*

Philalethes. It may be upon ſome extraordinary Provocation by the cruel Oppreſſions and inſolent Tryannies of Governours.

Theodidactus. Nay, frequently Men, only out of Pride or Ambition, or out of a blind or intemperate Zeal, or from the Effect of both (when they are checked by the Reins of Government) repining Diſcontent, have ſown the Tares of Sedition againſt the moſt virtuous and religious Princes; and ungratefully plotted their Ruin, even when they have been moſt propitious and indulgent towards them.

What Prince was ever more merciful and compaſſionate than King *David,* as being faſhioned and framed wholly according to his Heart, who is the God of Mercy and Compaſſion? Yet * wicked *Sheba* the Son of *Bichri,* lifted up his

* 2 Sam. 20.

Hand againſt him, and blew the Trumpet of Schiſm and Sedition, to rend his Kingdom from him.

That peaceful and moderate Emperor *Auguſtus*, honoured by his Enemies for his princely Virtues, was aſſailed [a] ten ſeveral times by Conſpirators. *Veſpaſian*, even compos'd of Mildneſs and Clemency [b] had daily Treaſons againſt him; and his Son *Titus*, for his pleaſing and amiable Virtues, termed by *Suetonius*, *the Love and Delight of Mankind*, wanted not a [d] traiterous *Cæcina*.

[a] *Suet. c.* 19.

[b] Ibid. *c.* 25.

[c] Ibid. *c.* 1.

[d] *c.* 6.

But leaving ancient and foreign, and to inſtance in modern and domeſtic Examples (as moſt powerful to perſuade, being freſh in our Memories) his Majeſty's Clemency towards the *Romaniſts*, and Papal Faction, at his happy Enterance into this Kingdom, was rare and admirable; eſpecially, if we conſider their Diſloyalty and ſanguinary Attempts againſt Queen *Elizabeth*, of bleſſed Memory, only under pretence of promoting their Superſtition, whereunto his Majeſty was a conſtant and profeſſed Oppoſite, as well as his Royal Siſter.

In the Beginning of Queen *Elizabeth*'s Reign, the [e] moſt part of ſuch as were addicted to the *Roman* Superſtition, communicating with us in Divine Service, lived free from all Puniſhment or Moleſtation,

[e] Apology of Eccleſiaſtical Hierarch. *c.* 1.

ſtation, and enjoyed common Favours and Benefits with other of her Majeſty's loyal Subjects. Of which their Practice, the Pope being advertiſed by ſome fervent and zealous Romaniſts, and that hereby in time his Adherents would by little and little wholly conſociate themſelves with our Church, and ſo all Hope would be loſt by a Home-party, of reducing this Kingdom unto his Subjection, out of which his Predeceſſors had gathered ſuch rich Treaſures. *Pius Quintus* to prevent ſo great a Damage unto the See of *Rome*, and for this purpoſe to make an open Schiſm between his devoted Vaſſals and her Majeſty's dutiful and faithful Subjects; he ſent *Moreton*, an Engliſh Prieſt, to declare by his papal Authority, unto the then Earls of *Northumberland* and *Weſtmorland*, upon whom Multitudes of Popiſh People in the North were dependent, that *Queen* Elizabeth *was an Heretick*, (and therefore that they ought to have no Communion with her in Civil Affairs, much leſs in Religious) becauſe by being an Heretick ſhe was fallen from all Dominion and Power, and they were not compelled to obey her Laws and Commandments.

Anno Dom. 1569. 11 *Reg. Eliz.*

Sand. lib. *de viſib. Monarc.*

Whereupon they raiſed an Army of * four Thouſand Footmen and ſix Hundred Horſe, for the Maintenance of the

* *Stow in annal.* 18 *Eliz.*

Liberty

Liberty of their Conſcience, and the Reformation of Religion, pretending they were driven to take this Enterprize in hand, leſt otherwiſe foreign Princes might take it upon them, to the great peril of this Realme: Which Forces were ſoon vanquiſh'd, and only ſome chief Conſpirators receiving condign Puniſhment for their Rebellion: Other Papiſts that did not partake in this ſeditious Commotion, (thro' the gracious Diſpoſition of her Majeſty) enjoyed the ſame Liberty they did before.

But *Pius Quintus* was neither mitigated by her Majeſty's Clemency, nor daunted with the ill Succeſs of his factious Complices: For being informed that his Projects took not that Effect he expected, * becauſe all the Catholicks knew not that Queen *Elizabeth* was declared an Heretick; not long after he did publiſh a Bull, wherein out of the Fullneſs of his Power he denounced Queen *Elizabeth* an Heretick, and that ſuch as did cleave unto her, ſhould incur his Curſe; that ſhe was deprived of all Dominion and Dignity; that her Nobles and People, or any other that had ſworn Obedience unto her, were freed from this Oath, and from all Allegiance and Fidelity; commanding them not to obey her Laws upon pain of his Curſe.

* *Sand. lib. 7. viſib. Monarc.*

Ann. Dom. 1570. 12 *Eliz.*

And

And that this Bull might be the more generally known unto Romaniſts, and to gain undoubted Credence thereunto, he cauſed it to be printed at *Rome*, to be ſigned by a Publick Notary, ſealed with the Seal of his Court, and at length being ſent into *England*, it was faſten'd by one *Felton*, deeply plunged in the *Roman* Superſtition, upon the Gates of the Biſhop of *London*'s Palace.

And altho' theſe Papal Thunders and Curſes of *Pius Quintus*, were but as the † Noiſe of Thorns under the Pot, and vaniſhed like the Vapour of Smoke: Yet *Gregory* the thirteenth immediately ſucceeding *Pius Quintus*, confirmed and ratified his Bull, erected a * College at *Rome*, gave a Penſion to another College at *Doway*, to be Receptacles for Fugitives and diſcontented Perſons in *England*, to be inſtructed in School-points of Sedition (as it is manifeſt by the Books and Writings of their then chief Maſters and Oracles † *Briſtow* and *Allen*) and from thence to be ſecretly conveyed into this Kingdom, to perſwade Men they were bound to obey the Pope's Bulls and Excommunications, to renounce their Natural Allegiance unto her Maieſty, and take part with any domeſtical or foreign Power to depoſe her from her regal Throne.

† Eccl. 7. 8.

* *Ann.* 1578. 14 *Eliz.*

† See *Briſtow's* Motives, *mot.* 15. 40. And *Allen's* Defence, *Eng. Cathol. c.* 4.

The

The moſt eminent and principal Men of note amongſt theſe Fugitives, were the Jeſuites *Campian* and *Parſons*, who at the Commandment of *Gregory* the thirteenth, coming towards this Kingdom, deſired of him that the fore-named Bull of *Pius Quintus*, which himſelf alſo had eſtabliſhed, might ſo be underſtood, †As to bind the Queen and the Hereticks (but not the Catholicks as Matters then ſtood, but when there might be had a publick Execution thereof. With theſe Inſtructions they enter'd *England*; and *Saunders* the ſame time *Ireland* with an Army from the Pope, to ſuccour the Rebel *Deſmond*. And as *Saunders* laboured by Violence and Force of Arms to enthral Mens Perſons; ſo theſe with artificial and plauſible Perſuaſions to captivate their Souls; and prevailed with many, together with a refuſal of communicating with us in the religious Worſhip of GOD, to renounce their Civil Duty and Allegiance unto their Sovereign.

† *Inſtruments of this Interpretation found amongſt Papiſts*, 1580.

About this time Parſons *writ the Reaſons of Refuſal of going to Proteſtant Churches; upon which Writing (ſaith the Apology of the Eccleſiaſtical Hierarchy) when many chief Men refuſed to go to heretical Service, there was called a Parliament in End of the ſame Year, and the Law of Twenty Pound a Month for Recuſancy was ordained, but no capital Law made againſt Prieſts and their Receivers.*

And thus by the ſeditious Practices of Jeſuites and Prieſts, this Separation of her Majeſty's Subjects from Divine Service daily encreaſing, and accompany'd with

with a perilous Diſſolution of the Bond of her Civil Obedience: yet her Maieſty out of her great Moderation, and incomparable Goodneſs of Nature, impeached none of theſe rebellious Separatiſts, either in their Lives, Lands, Goods or Liberties: but only by a Decree in Parliament, puniſhed them with a pecuniary Mulct for the time they refuſed to come unto the Church, and publiſhed a Proclamation for the Revocation of all ſuch as remained beyond the Seas under the Colour of Study, to be the Authors of treaſonable Attempts. *An. Dom.* 1581. 24 *Reg. Eliz.*

Wherewith theſe Seed-men of Sedition were no way ſuppreſſed, but rather did daily multiply, and at length grew unto that Height of Impiety, as to animate ſundry deſperate Perſons, and Sons of *Belial*, as *Arden*, * *Parrie*, and others of the ſame rank, with Hope of eternal Salvation, to lay violent Hands upon her Majeſty's ſacred Perſon; and became principal Agents to incite the King of *Spain* (then entering into hoſtility with this Land) to invade the Realm, aſſuring him to have here a Party of Romaniſts, ready to aſſiſt ſuch Power as he ſhou'd ſet on Land, for ſubduing of this potent Kingdom. Which unchriſtian, and unnatural Enterprizes of fugitive Jeſuits, and Prieſts, covered with the Man- * 1582. 25 *Eliz.* 1583. 26 *Eliz.*

tle of Zeal and Religion, enforced her Majeſty after much Patience, and Longanimity, to enact by publick Authority of Parliament: That if any Jeſuits or Prieſts made in Parts beyond the Seas, according to the Rites of the Roman Church, came into this Realm, they ſhould be adjudged Traitors, and ſuffer as in caſe of High Treaſon.

1584. 27 *Eliz.*

All theſe notorious Seditions, and Rebellions hatched, and produced by the papal Faction, and their Chieftains Jeſuits, and Prieſts, out of a Zeal to induce into this Land the Idolatry of *Rome*; and the Juſtice, and Equity of the forementioned Laws, made by the late renowned Queen, to ſuppreſs and prevent them, were well known unto his moſt Excellent Majeſty: and therefore at his happy Inauguration unto this Kingdom, out of his own Matureneſs of Judgment, and grounded Perſwaſion of the Truth, being reſolved to tread the Steps of his Royal Siſter, and by the Light of the Goſpel, to extinguiſh the *Ægyptian* Darkneſs of Popery, he could not but in his princely Wiſdom more than conjecture, that the like diſloyal Attempts might be practiſed againſt his ſacred Dignity and Perſon by theſe Romaniſts. Notwithſtanding, out of his gracious Inclination unto Pity and Mercy, deſiring to conquer

quer Evil with Goodneſs, in the beginning of his Reign, he ſet at liberty all Jeſuits and Prieſts that were impriſoned, and unto ſuch as lurked in ſecret Corners of the Land, he gave them leave openly to profeſs themſelves to be ſuch; ſo that both by a certain Day would depart the Realm. And as for other recuſant Papiſts, refuſing to partake with us in the ſincere worſhip of God, he frees them from all pecuniary Mulcts impoſed upon them, by the Law, honoured many of them with Knight-hood, gave them free Acceſs unto his Court and preſence, beſtowed equal Favours upon them, with their Oppoſites in Profeſſion: they were not provoked by any tyrannous Cruelty or Oppreſſion unto any ſeditous Enterpriſes. 1603.

Phil. Surely no, but rather had juſt Cauſe to be truly dutiful, and loyal to his Majeſty, who thus did change deſerved Juſtice into Mercy and Clemency.

Theod. The Mercy indeed and Favour of Kings and Princes, is like a * *Cloud of latter Rain,* and worketh much even upon Minds not well diſpoſed. But ſome of theſe Romaniſts were of ſo rancorous Spirit, and brutiſh Ingratitude, that whilſt they peaceably enjoyed the forerecited Favours, they did plot a Treaſon barbarous for Cruelty, unmatchable in * Prov. 16.15.

regard of Example: the horrible Deſtruction by Gunpowder of the King, Queen, their royal Progeny, and the whole Court of Parliament at once.

Phil. Did the bloody Actors of this monſtrous Attempt alledge no Motive or Reaſon thereof?

Theod. None, but their fanatical Zeal to promote the Romiſh Religion; which enraged Affection, out of Charity, is not to be ſuppoſed to be in all of that Profeſſion, and in Wiſdom to be feared leſt it be in ſome, ſurviving theſe Offenders: And therefore to diſcern the one from the other, the Oath of Allegiance, (which hath occaſioned this our Conference) was principally framed.

Phil. They that will be ſo impious as to lift up their Hand againſt God's annointed little fear the heinous Sin of perjury: and therefore this Oath will not much avail to diſcover ſuch treacherous Perſons.

Theod. An Oath is a moſt ſacred Bond, and with a ſecret Terrour imprinted by the immediate Finger of God in the taking thereof, doth ſo ſtraitly oblige the inmoſt Soul and Conſcience, that altho' many Men be obdurate unto other grievous Sins: yet they will be tender and ſenſible of the Violation of an Oath Very often (ſaith St. *Auguſtine*) Men provoke

Cont. mendac. ad Conſ. c. 21.

voke their Wives whom they ſuſpect to be adulterous to clear themſelves by an Oath, which they would not do, unleſs they did believe that thoſe which fear not Adultery may fear Perjury: for indeed (ſaith he) ſome unchaſt Women which have not feared to deceive their Husbands by Wantonneſs, have been afraid to uſe GOD unto them as a Witneſs of their Chaſtity. In the marital Conjunction of the Husband and Wife, there is a lively Reſemblance of the Obligation of Subjects in civil Allegiance unto their Prince: for as the coupling of the Wife unto the Husband in dutiful Obedience, ſo of Subjects unto their Prince in Loyalty and Fidelity is a very arct and near Union: and as * *the Husband is the Head of the Wife*, ſo is the † *Prince of his Subjects*. As therefore Experience in the Days of St. *Auguſtine* taught, that Wives did rather dread wilful Perjury, than Undutifulneſs towards their Husbands, ſo it is now to be preſumed, that many Subjects will abhor the ſame crying Sin more than Diſobedience.

* 1 Cor. 11. 3.
† 1 Sam. xv. 17.

Phil. But is there any Example in former Ages of the like Oath for the trying of the Loyalty of the Subjects unto their Sovereign?

Theod.

Theod. About a thouſand Years ſince, the ſame Oath in ſubſtance was uſed in *Spain*, and ratified by the Canons of di-
Concil. Tolet. 4. *can.* 74. vers famous Councils of *Toledo*: for whereas there was a general Report, that there was ſuch Perfidiouſneſs in the Minds of many People of divers Nations, that they made no Conſcience of keeping their Oaths and Fidelity, that they had ſworn unto their Kings, but did deſemble a Profeſſion of Fidelity in their Mouths (like unto equivocating Papiſts) when they held an impious Perfidiouſneſs in their Hearts: the fourth Council of
* Ibid. *can.* 5, 6, 10. * *Toledo* decreed (as alſo other Councils held in the ſame City) that † whoſoever
† Ibid. *can.* 74. of us, or of all the People through all *Spain*, ſhall go about by any means of Conſpiracy or Practice, to violate the Oath of his Fidelity, which he hath taken for the Preſervation of his Country or of the King's Life; or who ſhall attempt to lay violent Hands upon the King, or to deprive him of his kingly Power, or by tyrannical Preſumption uſurp the Sovereignty of the Kingdom, let him be accurſed in the Sight of God the Father, and of his Angels; and let him be made and declared a ſtranger from the Catholick Church, which he hath profaned with his Perjury.

Phil. Hath

Phil. Hath this Oath any Agreement and Correſpondence with the Oath of Allegiance unto the King's Majeſty?

Theod. Almoſt in every Point and Circumſtance, as you will eaſily perceive, if I ſhall but read the Oath of Allegiance unto you out of this Book which I have in my Hand: for the Tenor hereof is thus, word for word.

"I *A. B.* do truly and ſincerely acknowledge, profeſs, teſtify, and "declare, in my Conſcience, before "God and the World, that our Sovereign Lord King *JAMES* is lawful and rightful King of this Realm, "and of all other his Majeſty's Dominions and Countries; and that the "Pope neither of himſelf, nor by any "Authority by the Church or See of "*Rome*, or by any other means with "any other, hath any Power or Authority, to depoſe the King, or to diſpoſe any of his Majeſty's Kingdoms "or Dominions; or to authorize any "foreign Prince to invade or annoy "him or his Countries, or to diſcharge "any of his Subjects of their Allegiance "and Obedience to his Majeſty, or to "give Licence or Leave to any of them "to bear Arms, raiſe Tumults, or to "offer any Violence or Hurt to his Ma-

"jeſty's

" jeſty's royal Perſon, State, or Govern-
" ment, or to any of his Majeſty's Sub-
" jects within his Majeſty's Dominions.
" Alſo I do ſwear from my Heart,
" that notwithſtanding any Declaration,
" or Sentence of Excommunication, or
" Deprivation, made, or granted to be
" made, or granted by the Pope, or
" his Succeſſors, or by any Authority,
" derived, or pretended to be derived
" from him, or his See, againſt the
" ſaid King, his Heirs or Succeſſors, or
" any Abſolution of the ſaid Subjects
" from their Obedience: I will bear
" Faith and true Allegiance to his Maje-
" ſty, his Heirs and Succeſſors, and him
" and them will defend to the uttermoſt
" of my Power, againſt all Conſpiracies
" and Attempts whatſoever, which ſhall
" be made againſt his or their Perſons,
" their Crown and Dignity, by reaſon
" or colour of any ſuch Sentence, or
" Declaration, or otherwiſe; and will
" do my beſt Endeavour to diſcloſe and
" make known unto his Majeſty, his
" Heirs and Succeſſors, all Treaſons, or
" traiterous Conſpiracies, which I ſhall
" know or hear of, to be againſt him
" or any of them.
" And I do further ſwear, that I do
" from my Heart abhor, deteſt and ab-
" jure as impious and heretical, this
" damna-

" damnable Doctrine and Poſition, That " Princes which be excommunicated or " deprived by the Pope, may be depo- " ſed or murthered by their Subjects, " or any other whatſoever.

" And I do believe, and in my Con- " ſcience am reſolved, that neither the " Pope, nor any Perſon whatſoever, " hath Power to abſolve me of this " Oath, or any Part thereof, which I " acknowledge by good and full Autho- " rity to be lawfully miniſtred unto " me, and do renounce all Pardons, and " Diſpenſations to the contrary. And " all theſe things I do plainly, and ſin- " cerely acknowledge and ſwear, accor- " ding to theſe expreſs Words by me " ſpoken, and according to the plain and " common Senſe, and Underſtanding " of the ſame Words, without any Equi- " vocation, or mental Evaſion, or ſecret " Reſervation whatſoever. And I do " make this Recognition, and Acknow- " ledgment heartily, willingly, and truly " upon the true Faith of a Chriſtian. *So* " *help me* GOD.

Phil. There is indeed between this Oath, and the former, eſtabliſhed by the Councils of *Toledo*, a perfect Harmony, if we reſpect the Subſtance of the matter in them, ſave that the former Oath is

more general, and conciſe: the latter more diffuſe and particular. And therefore I would entreat you for my more clear and diſtinct Apprehenſion thereof, to reſolve it into the ſeveral Heads and Branches of which it doth conſiſt.

Theo. I ſhall preſently give you Satisfaction herein. In an Oath, there is the Matter or Truth which we ſwear, or the Form and Manner how we are to ſwear. The Manner of taking this Oath, is to ſwear plainly, ſincerely, and without all Equivocation, mental reſervation, or ſecret Interpretation, *in Juſtice, Judgment, and Truth*: otherwiſe than that infamous * Heretique *Arius* ſwore, who being demanded by the Emperour, whether he would ſubſcribe unto the Nicene Faith, which condemned his Hereſy denying the Godhead of Chriſt; he forthwith yielded hereunto: and being further required by the Emperor (ſuſpecting his Diſſimulation) to ſwear unto the ſame faith: he writ his own heretical Confeſſion, ſubſcribed it, hid it in his Boſom: and then having a mental Relation unto this Confeſſion, he took an Oath, that he had truly, and from his heart ſubſcribed. In which perfidious Action, the wretched Heretick was either ignorant, or wilfully forgetful, that by * whatſoever Art of Words any Man ſweareth,

Jerem. 4. 2.

* *Socrat. Hiſt. lib.* 1. *cap.* 25. *Niceph. Hiſt. lib.* 8. *c.* 5.

* *Iſidor. Hiſpal. Senten. lib.* 1. *c.* 31. *Bern. de inter. Dom. c.* 15.

yet

yet God who is the Witneſs of the Conſcience, accepteth it, as he doth to whom the Oath is made.

The Matter or main ſubject of this Oath, which is the principal thing whereof I conceive you deſire to have a more diſtinct and full Underſtanding, may to this purpoſe be reſolved into theſe enſuing Aſſertions.

1. *Our Sovereign Lord King* JAMES *is the lawful King of this Kingdom, and of all other his Majeſty's Dominions and and Countries.*
2. *The Pope neither by his own Authority, nor by any other Authority of the Church, or of the See of* Rome, *nor by any other Means, with any others Help, can depoſe his Majeſty.*
3. *The Pope cannot diſpoſe of any of his Majeſty's Kingdoms and Dominions.*
4. *The Pope cannot give Authority to any foreign Prince to invade his Dominions.*
5. *The Pope cannot diſcharge his Subjects of their Allegiance unto his Majeſty.*
6. *The Pope cannot give Licence to one, or more of his Subjects to bear Arms againſt him.*
7. *The Pope cannot give leave to any of his Subjects, to offer violence unto his royal Perſon, or to his Government, or to any of his Majeſty's Subjects.*

 8. *Although*

8. *Although the Pope ſhall by Sentence excommunicate, or depoſe his Majeſty, or abſolve his Subjects from their Obedience, notwithſtanding they are to bear Faith and true Allegiance unto his Majeſty.*

9. *If the Pope ſhall by Sentence excommunicate or depoſe his Majeſty: nevertheleſs his Subjects are bound to defend his Perſon and Crown againſt all Attempts and Conſpiracies whatſoever.*

10. *If the Pope ſhall give out any Sentence of Excommunication, or Deprivation againſt his Majeſty; notwithſtanding his Subjects are bound to reveal all Conſpiracies, and Treaſons againſt his Majeſty, which ſhall come to their Hearing and Knowledge.*

11. *It is heretical and deteſtable to hold, that Princes being Excommunicate by the Pope, may be depoſed or murthered by their Subjects, or any other.*

12. *The Pope hath not Power to abſolve his Majeſty's Subjects from their Oath of Allegiance, or any part thereof.*

Philalethes. By theſe Aſſertions thus diſtinctly propoſed, I confeſs I do conceive the principal Contents of the Oath more clearly than before: But I would not only have a full and thorough Apprehenſion of this Oath, but likewiſe upon

upon any Occaſion, for the more expedite Performance of my Duty unto his excellent Majeſty, readily remember it, which I ſhall be the better able to do, if you would be pleaſed to reduce this Multiplicity of Aſſertions unto ſome fewer Heads.

Theod. This may eaſily be accompliſhed. There are two ſpecial Grounds, or Foundations of true Soveraignty in our gracious Lord the King. The one that receiving his Authority only from God, he hath no Superior to puniſh or chaſtize him but God alone. The other, that the Bond of his Subjects in Obedience unto his ſacred Majeſty is inviolable, and cannot be diſſolved. Theſe two general Heads (preſuppoſing the undoubted Truth of the firſt aſſertion, [Our Sovereign Lord King JAMES is the lawful King of this Kingdom, and all other his Dominions and Countries] becauſe the moſt * ſeditious Impugners of his Majeſty's Crown and Dignity freely acknowledge it) compriſe all the other Aſſertions, as even now I ſeverally propoſed them out of the Oath of Allegiance.

Hæ juramenti partes veræ ſunt quod Jacobus *ſit ligitimus Rex Angliæ, Scotiæ, Hiberniæ, &c.* Beca. Controv. Angl. c. 3.

* Every Engliſh Catholick doth profeſs his Majeſty to be his true and lawful King. *Parſons*, in his Judgment of the Apology. *Part* 1. *Numb.* 22.

For to begin then with the firſt Head, ſeeing that when God would denounce his moſt heavy Judgments againſt wicked Kings

Kings that tranſgreſſed his Law, as againſt *Saul*, and *Rehoboham*, he threatneth them with renting their Kingdoms from them, and making their Houſes deſolate: the depoſing of a King, the diſpoſing of his Dominions, unto another, the hoſtile invading of his Countries, muſt needs be a grievous chaſtiſement; And therefore if his Majeſty hath no Superior beſide God to puniſh him, the Pope as his Superiour cannot by any means whatſoever depoſe him, diſpoſe of his Dominions, invade his Countries; which is the effect and Subſtance of the ſecond, third, and fourth Aſſertions.

Phil. Doth the ſame general ground of his Majeſty's Kingly Soveraignty comprehend the reſt of the Aſſertions.

Theod. No, for they are all contained within the Limits of the ſecond Principle of Royal Soveraignty: that the Bond of the King's Subjects in Obedience unto his Majeſty is inviolable and cannot be diſſolved. This will be evident unto you by a compendious Recital of the chief Parts, and duties of Allegiance from a Subject to his Prince. And we cannot learn theſe Duties from a better Maſter than God himſelf, who hath ſo exactly taught them in his ſacred Word.

The

The general Duty which God enjoineth upon all Men, to eſchew Evil and do Good, is diffuſed through the particular Duties of every Man; whether it be the Duty of a Servant unto his Maſter, of a Son unto his Father, or of a Subject unto his Prince. And in the Allegiance of a Subject unto his Sovereign, the Evil he is to eſchew, is Evil in action, for he his not to *touch* him with any hurtful Touch, nor to *ſtretch out his Hand againſt his ſacred Perſon*, nor ſo much as to affright, or diſgrace him by cutting the lap of his Garment: Evil in Words, *for he is not to curſe his Ruler*: Evil in Cogitations, *for he is not to curſe the King in his Thought*. So likewiſe the Good which he is to do out of Obedience unto his Prince, is indeed, by *paying Tribute* unto him for his Regal ſupport, by fighting his Battels with *Joab*, adventuring his life with *David*, to vanquiſh his Enemies: in Speech, by revealing with religious *Mordecai* the treaſonable Deſignments of *Bigan*, and *Tereſh*, by *pouring out Prayers* and *Supplications* for his Welfare: in Thought, by eſteeming, and honouring him from the heart, and out of Conſcience, as the *anointed of the Lord*, *God's holy Ordinance*, *and Miniſter*, and as *a God upon Earth*: for this is to obey him for

Pſal. 105.
1 Sam. 15.
Exod. 22.
Eccleſ. 10.
Rom. 13.
Eſth. 2.
1 Tim. 2.
Rom. 13.
Iſai. 45.
Pſal. 82.

1 Pet. 2. 17. Prov. 8.

the *Lord's ſake, to fear God,* and *honour the King:* when we fear God by whom *the King reigneth,* and his Throne is eſtabliſhed. Now if the Subjects of our Sovereign out of their Allegiance unto his Majeſty, are not to lay violent hands upon his ſacred Perſon, but to ſuccour and defend him even with the Hazzard of their Lives: not to curſe him with their Tongues; but to bleſs him by Prayers and Supplications, and preſerve him by diſcovering all Attempts againſt his Life and dignity: not to harbour in their Souls any evil Thought of him; but from their Heart to honour him as God's Vicegerent here upon Earth: and the Bond of this Allegiance (as the ſecond Ground of Kingly Sovereignty averreth) is inviolable, and cannot by any means be diſſolved: then although the Pope doth arrogantly preſume to diſcharge them from their Allegiance unto his Majeſty, to abſolve them from their Oaths of obedience, to give licence unto them to bear Arms againſt him, and offer Violence unto his Perſon, to excommunicate and depoſe his Majeſty; all theſe impious and irreligious Practices are in vain, and notwithſtanding, they are not to depoſe, or murther his Majeſty, or any way to offer Violence unto his ſacred Perſon, Crown and Dignity; but to defend him againſt all Conſpiracies,

ſpiracies, to reveal all Treaſons againſt his Majeſty, and bear unto him Faith and true Allegiance.

Phil. I do now fully conceive how the two Props and Pillars of ſupreme Authority in his excellent Majeſty, which you have propoſed, do briefly and as it were by way of Epitome, compriſe all the chief and material Points of the Oath: and although I am moſt aſſured in my Conſcience of their firmeneſs and immoveable ſtability in the truth; yet to be the more enabled for the juſtifying of them unto others, I would requeſt you to ſhew how theſe Pillars are ſupported, and upon what Foundations they are built.

Theod. Hereunto I do willingly condeſcend, and I will firſt diſcover unto you the Foundations of the firſt Prop, or Pillar; Our Sovereign Lord King JAMES receiving his Authority only from God, hath no Superiour to chaſtiſe and puniſh him but God alone.

The ancient Practice of this Kingdom is clear for this Truth: *Bracton* * twenty years Chief Juſtice under *Henry* the Third, in his * Cuſtoms of *England* ſaith there are under the King Freemen, and Servants are ſubject unto his Power, as alſo whatſoever is under him; and he himſelf is ſubject to no Man, but only unto God. And again: if there be any

* *Ball.*

* 1 *Centena: rubrica,* 35. *Et ipſe ſub nullo niſi tantum ſub Deo.*

Offence committed by him, foraſmuch as there is no brief to enforce or conſtrain him, there may be ſupplication made that he would correct, and mend his Fault: which if he ſhall not do; it is abundantly ſufficient Puniſhment for him that he is to expect God a Revenger, for no Man may preſume * judicially to examin his Doings, much leſs to oppoſe them by Force and Violence. And this is no other Kingly Sovereignty than God himſelf hath given unto his Majeſty, *I counſel thee* (ſaith God by the Mouth of *Solomon*) *to keep the Kings Commandment, and that in regard of the Oath of God; be not haſty to go out of his ſight, ſtand not in an evil thing for he doth whatſoever pleaſeth him. Where the Word of a King is, there is Power, and who may ſay unto him what doſt thou?* An evident teſtimony that as Kings are ſubject unto God, whom *We are to obey rather than men*, ſo they are ſubject only unto God, and have no mortal Man their Superior, who may require of them an Account of their Doings, and puniſh them by any judicial ſentence.

* *Diſquirere.*

Eccleſ. 8.

Acts 5.

And this divine verity was not only taught by *Solomon*, but likewiſe by his Father *David*; who out of a Conſideration of the Eminency of this Regal Authority,

Authority, ſubject only unto the ſevere judgment of God, powreth out before him this penitent Confeſſion: *Againſt thee, againſt thee only have I ſinned. Againſt thee only:* for he was a King (ſaith *Ambroſe* *) not bound unto Law, becauſe Kings are free from the Bond of Crimes, and are not called unto Puniſhment by any law, being ſafe by the Power of Command: therefore *David* ſinned not againſt Man, unto whom he was not obnoxious, in regard of puniſhment; but of admonition only, and Reproof, uttered in the Name, and by the Authority of God himſelf.

Pſal. 51. 6.

* *Apolog. David. cap.* 4. *& lib.* 2. *Epiſt.* 7. *Epiſt. & Serm.* 16. *in Pſal.* 118. with whom do agree *Arnob. Caſſiod. Beda. Gloſſa. ord. Enhymi in.* 51. *Pſal. & Dydimus, Cyrill. Nicetas in Aurea catena in* 50. *Pſalmos. Leo* 4. 2. *q.* 7. *c. Nos ſi competenter.*

Hereupon the Prophet *Nathan* having uſed this Preface (*Thus ſaith the Lord*) *Admoniſhed King* David, *that he ſhould expiate his ſin by Repentance, but he gave no ſentence againſt him whereby according to the Law he might be adjudged unto Death.* For if *Nathan* had given any ſuch Sentence againſt *David*, he ſhould have had power to deprive him of his Life, and ſo of that which he enjoyed by his Life, his Regal Authority, which God only can take away from Princes, becauſe he alone beſtoweth it upon them.

2 Sam. 12.

For from whence have they received their Soveraignty to be here upon earth as Gods over Men; God himſelf anſwer-

Pſal. 82. eth, *I* (and not any Creature whatſoever) *have ſaid ye are Gods*; and as by my Word the World was made, ſo are ye appointed by the ſame Word to rule the World. Who hath given unto them Daniel 4. their Kingdoms? the moſt high, *he ruleth in the Kingdom of Men, and giveth it to whomſoever he will.* What Power hath ſeated them in their Thrones; The Job 36. Power of the Almighty, *Reges* (as the vulgar Tranſlation readeth it) *collocat in ſolio*, he placeth Kings in the Throne. And by whom do they ſway their ſcepters, and govern their Kingdoms? By Prov. 8. God's ſpecial Authority: *By me* (ſaith God himſelf) *do Kings reign, and decree juſtice*, by his immediate Power who is Pſal. 47. *Lord and King of all the earth.* And to deſcend unto Particulars, doth not God by the Mouth of his *Prophet* Nathan 2 Sam. 12. tell *David: I anointed thee King over Iſrael*? Doth not *Solomon* acknowledg, that 1 King. 2. *the Lord hath eſtabliſhed him, and ſet him on the throne of his father David*; was it not the Saying of the Prophet *Abija* in the Perſon of God unto *Jeroboam, I* 1 King. 11. *will give the Kingdom unto thee*? Neither the Kingdom only, and the Power of Princes, but all things elſe proper unto them are after a peculiar manner Gods. Pſal. 21. Their *Crown* their *Anointing*, their *Scep-* Pſal. 89. *ter*, and *throne* are God's, and their Per- 2 Chro. 9. ſons

ſons adorned with all theſe, are ſo divine and ſacred, that they themſelves are the *Angels of God*, and Sons *of the moſt high*. 2 Sam. 14. Pſal. 82.

Phil. If the Perſons of Princes are ſo ſacred, and their Authority is thus wholly from God, how is it ſaid in the holy Scriptures that ſome of the Kings even now mentioned were made by the People, and ſo received their Regal Power from them, and by their *Election*? *Is it not ſaid of Saul*, that all the people went to *Gilgal* and there made him King before the Lord? Of *David*, *the Men of Judah anointed* David *King of* Judah, *the Elders of* Iſrael *anointed* David *King over* Iſrael. 1 Sam. 11. 15. 2 Sam. 5.

Theod. Zadock *the Prieſt and* Nathan *the Prophet anointed* Solomon *King*, and the Lord alſo anointed him, otherwiſe he had not been the Lord's anointed, but the anointed of *Zadock* and *Nathan*. The Lord anointed *Solomon* as Maſter of the Subſtance, and gave unto him Regal Power; *Zadock* and *Nathan* anointed *Solomon*, as Maſter of the Ceremony, and declared that God had given unto him this Power, for outward unction doth not confer upon Kings their Authority, (when without it *Cyrus*, and before the uſe thereof ſome of the *Patriarchs* over their Families were the *anointed of the Lord*;) but it is a ſign only of 1 King. 1. Eſay 45. 1 Chro. 16.

of Sovereignty, becauſe if we pour Oyl into the ſame Veſſel with any other Liquor, it will be alway uppermoſt.

2 Sam. 2. The Elders then of *Judah* and *Iſrael anointing* David *King*, did manifeſt him to be their King; but did not give unto him the Right unto his Kingdom, this was only from the *Lord's appointing*.

1 Sam. 16. 2 Sam. 5. 1 Sam. 10. In like manner Saul firſt *anointed by the Lord to be Captain over his Inheritance*, upon the Petition of the People *ſet a King over them by the Lord*, and choſen immediately by God to be a King, as *Mathias* was to be an *Apoſtle* by *caſting lots*; *God made him King*; he only gave unto him kingly power, and not the People; who notwithſtanding after all this, are ſaid to * *make him King* by approving him as made by God, and receiving him into the Poſſeſſion of his Kingdom to exerciſe his Regal Authority, whom the Son of *Belial* had rejected. The *People then made Saul King*, not by giving unto him the Right of his Kingdom, but by putting him into the Poſſeſſion of his Kingdom, to reign over them: for the Jews by God's ſpecial Commandment being to make ſuch a one King, *whom their Lord God had choſen*, unto whom their *Lord God* had given Regal Authority; from their *Lord God*,

Ibid.

Acts 1.

1 Sam. 10.

* תמולך *Conſtituere regem, eſt verbum tertiæ conjugationis, quod cum efferat duplicem actionem, propriè ſignificat facere regnare; & regnare eſt regiam exercere poteſtatem; quaſi diceret, fecerunt, ut regiam poteſtatem exerceret*: Jeſuita Pineda, *lib.* 1. *cap.* 2. *de rebus Salomon.* Deut. 17.

and

and not from themſelves; from Heaven and not from Earth, was the Sovereignty of their Princes.

For as in the ſpiritual Graces which God mercifully beſtoweth upon the Faithful, neither the outward Miniſtery of Paul *in planting* nor of Apollo *in watering* is any thing, but *God giveth the encreaſe*: So in the Civil Power which God vouchſafeth unto Princes, the People are not any thing in regard of giving this Authority but God only is the free Donor thereof. 1 Cor. 3.

Phil. Although the Power of Princes is not from the People; yet is it often derived unto them from their noble Progenitors by Succeſſion, or obtained through their own Proweſs; and by lawful Conqueſt: how then is it only and Immediately from God;

Theod. Succeſſion and lawful Conqueſt, are Titles whereby Princes receive their Authority, they are not the Original and immediate Fountain of this authority. Heat, Moiſture, Cold, drineſs, and our Temper ariſing from them, (whiles we are miraculouſly faſhioned in our Mothers Womb) are Preparations whereby our Bodies are made fit receptacles for our Souls; *but* the Creator of our ſoul is God: So Princes have juſt Claim unto their Sovereign Power by the *Titles* Eccleſ. 12.

of

of Succeſſion and *Conqueſt*; but the prime Author of their Power is God. *Inde illis eſt poteſtas* (ſaith *Tertullian*) *unde Spiritus:* thence have they their Power whence their Spirit, And before him *Irenæus*: *Cujus juſſu naſcuntur homines, ejus juſſu conſtituuntur principes:* By whoſe Appointment they are born Men, and made reaſonable Creatures, (and that is by God only, who infuſeth into them their Soul by creating it) by his Appointment are they made Princes. And as they receive their Power only from God, ſo for the good or evil Adminiſtration thereof, they are accountable only unto God, as unto their Superiour, and not unto any mortal Creature. God only maketh them Kings, and God only can unmake them, and deject them from their Thrones.

Apologet. cap. 30.

Lib. 5. *cont. Hær.*

Lombard. lib. 2. *Sentent. diſtinct.* 17.

Phil. Were not the *Prieſts* amongſt the Jews Superiors unto their Kings, to judge and dethrone them, if they were delinquent?

Theod. No, rather Prieſts were ſubject unto Kings, and puniſhed by them for their Offences. *Abimeleck* the *Prieſt* acknowledged himſelf King Saul's *ſervant*. *Let not the King impute any thing unto his ſervant*, ſaith *Abimeleck*, ſpeaking of himſelf. And again unto King Saul: *thy Servant knew nothing of this.* And leſt it might be thought that theſe Words were uttered by

1 Sam. 22.

by a timerous Spirit, unto *Saul* a Tyrant; *David* a religious Prince calleth *Zadok* the *Prieſt* his *Servant*. Neither was *Solomon* behind *David* his Father in the Knowledge of his Sovereign Authority over Prieſts, when he depoſed *Abiathar* the high Prieſt, and placed *Zadok* in his room. 1 King. 1. 1 King. 2.

Phil. Indeed the Text ſaith: Solomon *caſt out* Abiathar *from being a Prieſt unto the Lord:* but ſome attribute this Fact of depoſition unto *Solomon* as he was a Prophet: becauſe it immediately followeth in the ſame Text, *that he might fulfill the Words of the Lord againſt the Houſe of* Ely. 1 King 2.

Theod. The fulfilling of this Prophecy was not the Motive that excited *Solomon* to depoſe *Abiathar*, but *Abiathar's* Conſpiracy and Treaſon with *Adoniah:* for the Words *that he might fulfill, &c.* do not ſhew the Cauſe why *Solomon* did *caſt out Abiathar*, but the Conſequent of this Fact; which was foretold by a *Prophet*, but not accompliſhed by *Solomon* as a *Prophet*. Men foretel things to come as Prophets: they do not put the Things foretold in execution as Prophets: for then the Soldiers were *Prophets* caſting Lots upon Chriſt's Garment, *that the Scripture might be fulfilled*; *Herod* was a Prophet fulfilling the Prophecy of *Jeremy*, 1 King. c. 1. 2. John 19. Matth. 2.

remy, by murthering the *Innocents*, and many other Inſtances might be given in this Kind, which I paſs over, becauſe the main Point which occaſioneth the producing of them, *the Subjection of Prieſts among the Jews unto their Kings*, is ingenuouſly acknowledged by ſome of the Jeſuits. *In the old Teſtament* (ſaith one of the firſt and chiefeſt of that ſeditious Order) *under the Law of Nature, or of* Moſes, *Prieſts were ſubject unto Kings.*

Salmer. trac. 63. de poteſtate eccleſiaſt. & ſæcul.

Phil. I have heard of other Romaniſts that have exalted the Jewiſh High Prieſts above the Thrones of Kings, and that do alledge unto this purpoſe ſome particular Examples: As of the high Prieſt Azaria, *who with fourſcore other Prieſts, valiantly aſſailed King* Oziah *ſtroaken with the Leproſy, for burning Incenſe unto the Lord; did thruſt him by force out of the Temple; according to the Levitical Law againſt Lepers, conſtrained him to go out of the City, and deprived him of his Kingly Authority.* Of Jehoida, *who being chief Prieſt, cauſed Queen* Athalia *to be ſlain, becauſe ſhe* * *maintained the idolatrous Worſhip of* Baal *and made* Joas *king in her ſtead.*

2 Chro. 26. *Allen defen. Eng. Cath. cap. 5.*

Allen ibid.

Levit. 13.

* *Authoritate regnandi. Bella. lib. 5. de Pont. Rom. c. 8.*

2 King. 11.

* *Foveret cultum Baal. Bellarm. lib. 5. de Pont. cap. 8.*

Theod. Theſe Facts of *Azaria* and *Jehoida*, if they were ſincerely related out of the Book of God, they would make

make little for the Superiority of Prieſts over Kings: for firſt, the Scripture ſaith not that *Azaria* violently aſſailed *Oziah*, or did by force thruſt him out of the Temple: he was compelled (without any Force from *Azaria*) by the immediate Hand of God, ſtriking him with Leproſy, to go out thence. And when it is ſaid *Azaria* the chief Prieſt, with others, cauſed *Oziah* haſtily to depart from the Temple, this (as * *Joſephus* doth teſtify) was only by Words and Admonition. And † *Chryſoſtom* giveth the reaſon. For the Office of a Prieſt is only to reprove, and freely to admoniſh, not to move Arms, nor to uſe Bucklers, nor to ſhake a Launce, neither to bend a Bow, nor to ſhoot forth Darts, but only to argue and freely to admoniſh.

2 Chro. 26. 20.

Ibid.

* *Antiquitat. Judaic. lib.* 9. *cap.* 11. whom *Caitean* doth follow upon the 2 *Chro.* 26. *viſâ leprâ Sacerdotes Regem leproſum ad feſtinè egrediendum monent.*

† *De verb. Iſaiæ. vid. dom. Ho.* 4.

Neither did *Azaria* deprive *Oziah* of his Kingly Authority, which he held unto his Death: for he was *ſixteen Years old when he was made King, reigned two and fifty Years,* and dyed being threeſcore and eight Years old. And although by reaſon of his Leproſy *dwelling a-part* according unto the Preſcript of the Law, his Son *Jotham* was his Vicegerent *to rule the King's Houſe and the People of the Land*: yet until *Ozia was buried with his Fathers*, Jotham *reigned*

1 King. 15.

Joſeph. lib. 9. *Antiq. cap.* 11.

2 King. 15.

Levit. 13.

2 Chro. 26. verſe 21.

Ibid. ver. 23.

not in his ſtead, he had not the Right of the Kingdom.

Phil. You have given a ſufficient Anſwer unto this Example of *Azaria*; but the other of *Jehoida* ſeemeth to have more Difficulty.

Theod. In this Inſtance likewiſe I ſhall, I truſt, eaſily give you Satisfaction, if you will but call unto mind, firſt;

2 King. 8. 2 King. 9. 2 King. 11. how *Ahazia* Son of *Joram* and King of *Judah*, dying, his Mother *Athalia* ſlew all the King's Seed ſave *Joas* the Son

2 King. 11. 2. of *Ahazia*, whom *Jehoſheba* his Aunt, and Wife unto *Jehoida* the high Prieſt, had ſtolen from among the King's Sons that ſhould be ſlain, and hid him in the Houſe of the Lord ſix Years.

Secondly, That *Jehoida*, not as high Prieſt, but as *Joas* Unkle by Marriage, and a Protector over him by reaſon of this Alliance; and *not alone but with*

2 Chro. 23. *the Captains of Hundreds, with the Levites out of all Cities, and with the chief Fathers of* Iſrael, *brought forth* Joas *King* Ahazia's *Son, did put upon him the Crown*, and declared him to be King, who was rightfully ſo both by the Title of Succeſſion, and God's own ſpecial Appoint-

2 Chro. 23. 11. ment.

2 Chro. 23. 14. 15. *Thirdly*, After they had thus ſeated *Joas* in his Regal Throne; by his Authority, *Jehoida* commanded *Athalia* as a bloody

bloody Uſurper of the Kingdom, to be ſlain: ſo that indeed *Joas* the true Heir of the Scepter of *Judah*, and not *Jehoida* the Prieſt, puniſhed *Athalia* uſurping the Crown.

Phil. I do now plainly perceive that ſuch as endeavour to advance the Mitre above the *Crown*, the Prieſthood above Regal Power, have no Ground hereof in the Old Teſtament: yet peradventure out of the New Teſtament they may alledge ſomewhat for this preposterous Subordination.

Theod. If Kings before the coming of Chriſt had ſupream Authority over Prieſts and all ſorts of Men within the Circuit of their Juriſdictions: Chriſt ſince hath not diminiſhed, or embaſed this Soveraignty. *Audite Judæi, & Gentes* (ſaith Saint *Auguſtin* ſpeaking in the Perſon of his Saviour) *audi circumciſio, audi præputium, audite regna terrena, &c.* Hearken ye Jews, hearken ye Gentiles, hearken Circumciſion, hearken Uncircumciſion, hear all earthly Kingdoms; I do not hinder your ruling and reigning in this World, my Kingdom is not of this World, it is heavenly and ſpiritual. And therefore Chriſt hath not made Laws to overthrow Policies and States, but for the better ordering and eſtabliſhing of them.

Tract. 115. in Johannem.

Hom. 23. nu. 13. ad Rom.

Is

Is not this one of his inviolable Decrees promulgated by his elect Servant and Apoſtle S. *Paul: Let every Soul be ſubject unto the higher Powers.*

Rom. 13.

Phil. What higher Powers?

Theod. Such as bear the Sword, to whom Tribute his due. And hence *Auguſtin*, *Chryſoſtom*, and almoſt all the Ancients, have underſtood *Paul* to ſpeak, *tantum*, only of ſecular Powers.

Jeſuita Perer. diſputat. 10. *nu.* 13. *ad Rom Atque omnes fere veteres.*

Phil. Who are ſubject unto theſe higher ſecular Powers?

Theodidact. Every Soul, although an Apoſtle, an Evangeliſt, a Prophet, whoſoever he be. This the Apoſtle S. *Paul* himſelf did teſtify in his own Perſon, who ſtood at *Cæſar*'s Judgment, where (ſaith he) δεῖ με κρίνεσθαι, I ought to be judged, unto whoſe Sentence out of Duty I am to ſubmit my ſelf.

Chryſoſt in 13. *ad Roman.* with whom *Theodor. Theophil. Oecumen.* do accord.

Acts 25.

And no marvel if S. *Paul* acknowledged himſelf ſubject unto *Cæſar*, when his Maſter Chriſt paid unto him Tribute and confeſſed one of *Cæſar*'s ſubordinate Magiſtrates, *Pilate* to have Power over him, and that given from above.

Joh. 19.

Hebr.

Our eternal *High Prieſt*, as Man, thus humbling himſelf under the Command of civil Powers; his chief Diſciple S. *Peter*

1 Pet. 5. 2.

ter alſo writeth unto his Fellow-Presbyters, whom he exorteth *to feed the flock of God*, that they would ſubmit themſelves unto the *King*, *as unto the Superior*. 1 Pet. 2. 15.

Phil. Theſe two Exhortations of S. *Peter*, that his *Fellow-Presbyters* would *feed the Flock of God*, and alſo *ſubmit themſelves unto Kings*, ſeem to be repugnant one to the other; For Kings that have given their Names to Chriſt are Sheep of God's Fold, and ſo to *obey their ſpiritual Paſtors*, having over-ſight of them. And if Kings are to obey their Spiritual Paſtors, how are ſpiritual Paſtors ſubject unto Kings? Heb. 13.

Theod. *All the Tribes of* Iſrael (and therefore the Tribe of *Levi* and the Prieſts) witneſſed that the *Lord had ſaid to David*, *thou ſhalt feed my People* Iſrael. And King *David* himſelf calleth them his *ſheep*: Kings then are alſo Paſtors, and all within their Dominions, even Prieſts themſelves, are Sheep of their Fold. 2 Sam. 5. 2 Sam. 24.

Phil. This Inſtance doth not ſatisfy the Doubt I moved, but rather doth ſtrengthen it: for how can Kings and Prieſts be mutually Paſtors one to another?

Theod. After a divers Manner. A Paſtor, or Shepherd (ſaith *Chryſoſtom*) may with great Authority inforce his Sheep to ſuffer the curing of their Wounds, when

David, cum Angelum vidiſſet percutientem in plebem, ait, ego peccavi, & ego paſtor malignus feci, & hic grex quid fecit? Ambroſ. Epiſt. 28. Lib. 2. de Sacerd.

when they are not willing hereunto, and may compel them to keep in fertile and ſafe Paſtures, if they go aſtray and feed in barren Places. Such kind of paſtors by a borrowed Speech are Kings, who may command their Subjects by the Terrour, and Compulſion of corporal Puniſhments. But Biſhops or Prieſts (as the ſame *Chryſoſtom* ſpeaketh) are to move Men by Perſwaſion, ſpiritually to be *cured, and not by offering Violence, as Lords over God's heritage.*

Ibid.

1 Pet. 5. 3.

1 Pet. 5. 5. As therefore all the Faithful are to *ſubmit themſelves one to another,* in Chriſtian Reproofs, and Admonitions; So Princes are to be obedient unto ſpiritual Paſtors, beſeeching them as Embaſſadours from Chriſt, and delivering unto them his heavenly Meſſage. And if Princes by this Meſſage learning what is acceptable unto God, ſhall by their Authority enjoyn it publickly to be embraced, they may inforce the ſame ſpiritual Paſtors to obey his Command by temporal Chaſtiſements.

A Prince ſailing unto ſome foreign Port in his own Ship and guided by his own Subjects, in this maritime Paſſage he ſubmitteth himſelf unto the Conduct and Direction of the Pilot; whom notwithſtanding, if he wilfully erreth in the Performance of his Duty, he may ſeverely

ſeverely puniſh with loſs of liberty, Goods, or Life: So Princes in the Church, which the Ancients have reſembled unto a Ship, walking towards the Port of Heaven, they are to hearken unto the meaneſt of God's Servants, ſincerely declaring unto them the ſacred Will of God; yet if they ſhall publiſh rather their own Errours than God's Truth, or otherwiſe offend, Princes may correct and puniſh them, and they are patiently to obey.

Princes then owe Obedience unto God's Direction uttered by his Embaſſadors for the Salvation of their Souls, by reaſon of which precious Benefit ordinarily attending their Miniſtry, nothing (ſaith *Ambroſe*) is more excellent, nothing more ſublime than a Biſhop. And again, God's Miniſters owe Obedience unto Princes, and are ſubject unto their coercive Puniſhments; who are free from all Puniſhments that Man may inflict. In which reſpect *Tertullian* in the Name of all the Chriſtians in his Days ſaith: We honour the Emperor in ſuch ſort as is lawful for us, and expedient for them, as a Man next unto God, and obtaining from God whatſoever he hath, and only inferior unto God.

Joh. 20.

De dignitat. Sacerd. cap. 3.

Ad Scapulam.

Phil. Did any other Fathers of the primitive Church acknowledg this emi-

nent Soveraignty in the Emperors of thoſe times?

Theod. As many as had Occaſion to write hereof. *Optatus* ſaith: There is not any Man above the Emperor. *Chriſoſtom* ſaith of the Emperor *Theodoſius:* He had no Man equal unto him upon Earth, he was the Top and Head of all Men upon Earth. *Cyril* writeth unto *Theodoſius* the younger: *Veſtræ ſerenitati,* unto your Excellency there is no State equal, much leſs ſuperior. *Agapetus* affirmeth of the Emperor *Juſtinian,* he hath a higher Dignity than any Man; he hath not upon Earth any higher than himſelf.

Lib. 3. *Hom.* 2. *ad pop. Antioch.*

Præfat. lib. adverſ. Julian.

In parænu. nu. 1. *& nu.* 21.

Phil. If the ancient Fathers of ſuch different Times (for between *Optatus* and *Agapetus* there were near two Hundred Years) almoſt in the ſame Phraſe of Speech ſo extolled the Dignity of the *Emperor*; when did the Biſhop of *Rome* challenge his pretended *Eminency* above the Emperor?

Theod. Not five Hundred Years after Chriſt: For then *Pelagius* the firſt *Roman* Biſhop of that Name thus writeth under *Childebert* King of *France:* with how great Study and Labour are we to ſtrive, that for removing the Scandal of Suſpicion, we may miniſter the Obſequiouſneſs of our Confeſſion unto Kings, unto

Epiſt. 16. *ad Childeb. tom.* 2. *Concil.*

to whom the holy Scripture commandeth us to be ſubject. Neither ſix Hundred Years after Chriſt; for about that time *Gregory* the great, likewiſe Biſhop of *Rome*, religiouſly confeſſed, that Power was given from above unto the Emperor above all Men. And then reckoning himſelf in this Number of all Men, addeth; I being ſubject unto your Command, not out of feigned Humility, but out of Conſcience and Duty, on both parts have payed what I ought, becauſe I have *yielded* Obedience unto the Emperor, and not holden my Peace in what I thought for God. Nay nine hundred Years from Chriſt, the Biſhops of *Rome* were in ſuch Subjection unto the Emperors, that even in that Age the Emperors puniſhed them with the Deprivation of their Biſhopricks, if they were criminous; as *Otho* the Emperor depoſed *John* the xxii. for his impure and vicious Life.

Lib. 2. Epiſt. Epiſt. 61.

Ego juſſioni ſubjectus.

Quod debui.

Phil. At what time then did the Biſhop of *Rome* firſt ſo far exalt himſelf above the Emperors as to preſume to deprive them of their imperial Crowns, and depoſe them from their Thrones?

Theod. More than a Thouſand Years; from the Aſcenſion of our bleſſed Saviour, *Gregory* the Seventh, otherwiſe called *Hildebrand*, choſen Biſhop of *Rome* about

Bellar. in Chron.

bout the Year of our Lord 1073 was the firſt that did attempt this prophane and ſcandalous Outrage againſt the Emperor *Henry* the Fourth.

Lego & relego Lib. 6. *cap.* 35.

I read and read again (ſaith *Otho Friſingenſis*, an Hiſtorian living near the Times of *Hildebrand*) the Geſts of the *Roman* Kings and Emperors, and no where I find any of them before this Man (*Henry* the Fourth) excommunicated by the Biſhop of *Rome* or deprived of his Kingdom. And the ill Succeſs of the chief *Actors*, in this furious Attempt of depoſing this Emperor, might well have diſcouraged the Biſhops of *Rome* in ſucceeding Ages to meddle again with ſuch ungodly Enterprizes. *Rodolph* Duke of *Suevia* whom (at the inſtigation of *Gregory* the Seventh) ſome of the Princes of *Germany* had ſet up to take the Empire from *Henry* the Fourth by force of Arms, in fighting againſt this Emperor loſt his Right Hand: and when by reaſon of that and other Wounds, he was ready to breath out his diſtreſſed Soul, looking on the Stump of his Arm, and fetching a deep ſigh, he ſaid unto the Biſhops that were about him, *Behold this is the Hand wherewith I did ſwear Allegiance to my Sovereign Lord Henry.* And Pope *Hildebrand* himſelf (while he was in contention with the ſame Emperor, to depoſe

Nuſquam invenio quemquam ante hunc.

Vespergenſ. Anno 1080.

depoſe him) by the Conſent of his own People the *Romans* was deprived of his Popedome; and afterwards lying at the Point of Death, he called unto him one of the twelve Cardinals whom he loved above the reſt, and confeſſed unto God, St. *Peter*, and the whole Church, that he had greatly ſinned in the Paſtoral Charge which was committed unto him, and that at the Inſtinct of the Devil he had ſtirred Hatred and Heartburning amongſt Men. For *Hildebrand*'s depoſing of *Henry* the Fourth, was like the Violence of a Tempeſt, which ſtirred up ſo many Calamities, ſo many Schiſms, ſo many Perils of Bodies and Souls, that it alone (ſaith *Otho* * *Frinſengenſis*) through the Fierceneſs and Continuance thereof, may ſufficiently prove the Greatneſs of Mans Miſery.

Sigeb. anno 1084.

Sigeb. anno 1035.

Found this written of him.

Chro. lib. 6. *Cap.* 36.

Phil. Two moſt remarkable Examples; they do clearly illuſtrate that Speech of the Wiſeman, *Take not part with the Seditious, for who knoweth the Ruine of them both?* But all this while you have declared only the Truth of the firſt Principle of *Kingly Sovereignty* in his excellent Majeſty; That receiving *Authority immediately from* God *he hath no Superior to puniſh him, or chaſtiſe him, but God alone.* I would therefore now entreat you to take the ſame Pains in eſtabliſhing

liſhing the Principle of his ſupream Power; *The Bond of his Subjects in Obedience unto his Majeſty is inviolable, and cannot be diſſolved.*

Theod. The principal Means, whereby the ſeditious Sons of *Belial* do pretend that this ſacred Bond may be diſſolved, are either ſuppoſed Crimes in the Perſons of Princes as Tyranny in Governing, Infidelity, Hereſy, Apoſtacy, or Epiſcopal Acts of the Biſhop of *Rome,* as his Diſpenſations, and Excommunications.

Phil. How do you prove that Tyranny in Government doth not unlooſe this Bond?

1 Sam. 24. 12. 1 Sam. 22. 22. 1 Sam. 22. 17. 1 Sam. 24. 18.

Theod. Was not *Saul* a Tyrant *in hunting after the Soul, and ſeeking the Life of David,* who was *moſt faithful unto him amongſt all his Servants,* whom he himſelf confeſſed to *have rendered unto him Good for Evil?*

1 Sam. 22. 18, 19.

Was he not a bloody Oppreſſor in commanding *Doeg,* without any juſt Cauſe of Offence, violently to run *upon the Prieſts, and to ſlay fourſcore and five Perſons that did wear a Linnen Ephod; to ſmite Nob the City of the Prieſts both Man and Woman, both Child and uckling, both Ox, Aſs, and Sheep, with the Edge of the Sword?*

The Blood of ſo many Innocents did cry unto God for Vengeance, and by his

his ſpecial Commandment (*whoſo ſhedd-* Gen. 9. 6.
eth Man's Blood, by Man his Blood ſhall be ſhed,) deſerveth Death: yet *David* not an ordinary or private Man, but by God's own Appointment deſigned unto the Kingdom, a chief Captain and Leader in the King's Battels, the King's Son-in-Law, when he had *Saul* delivered into his Hands, and was encouraged by his Servants to deſtroy him; ſaid unto them: *The Lord keep me from* 1 Sam. 24. 6.
doing that thing unto my Maſter the Lord's anointed: to lay my Hand upon him, for he is the Lord's anointed: and after unto *Saul* himſelf: *Wickedneſs proceedeth* Verſe 14.
from the Wicked, but mine Hand be not upon thee: And again unto *Abiſhai*, when the Lord another time had cloſed *Saul* into his Hand; *deſtroy him not,* 1 Sam. 26. 9.
for who can lay Hands upon the Lord's anointed, and be guiltleſs? Which pious and religious Acts of *David* towards *Saul*, amongſt the Iſraelites, *Optatus* hath elegantly deſcribed, the more effectually to commend them unto Chriſtians. *David* (ſaith *Optatus*) had the *Lib. 2. adverſ. Parmen.*
Occaſion of Victory in his Hands, he might have cut the Throat of his unwary, and ſecure Adverſary, without any Labour: he might without ſhedding of Blood, without any Conflict, have changed a publick War into a private Slaugh-

Slaughter. And his Men, the Victory, Occaſion, and Opportunity encouraged him: he began to draw his Sword, his armed Hand was moving towards the Throat of his Enemy, but the perfect Remembrance of God's Commandments ſtayed him: he withſtanding his Men, and the Occaſions inciting him, in effect thus ſpeaketh unto them. O Victory thou doſt in vain provoke, and invite me with thy Triumphs. I would willingly conquer mine Enemy: but I muſt rather keep God's Commandments. I will not (ſaith he) lay my Hands upon the Lord's anointed. And ſo he repreſſed his Hand together with his Sword: and while he feared the Oyl, ſaved his Enemy.

Phil. Our bleſſed Saviour's own Precept and Commandment is clear enough for the preſerving of the Lives, or of any thing elſe belonging to our Enemies: *Love* (ſaith he) *your Enemies, bleſs them that Curſe you, do Good to them that Hate you, and pray for them that Hurt you and Perſecute you.*

Mat. 5.

Theod. You ſay well that theſe Words are Chriſt's Precept or Commandment; our Saviour's Preface unto them [Ἐγὼ λέγω ὑμῖν I ſay unto you it is my Decree] doth ſufficiently prove it: and the Words immediately following them (*that you may*

may be the Children of our Father which is in Heaven) are a moſt forcible Motive to ſtir us up readily, and with Alacrity to yield Obedience unto this Commandment. Although then Kings and Princes through their Tyranny, Perſecution, and Oppreſſion, ſhould be our Enemies, as *Saul* was unto *David* (*thine Enemy*, ſaith *Abiſhai* of *Saul* unto *David:*) yet we are to love them from our Hearts, to bleſs and pray for them with our Tongues, and to do good unto them by our Actions. For theſe Duties by our Saviour's Commandment, are to be performed of us unto private Men that are our Enemies; much more unto publick Perſons, the Princes and Potentates of the Earth. That elect veſſel Saint *Paul* * exhorting us to bleſs all Men by our Prayers and Supplications, and Interceſſions; preſently mentioneth Kings and all that are in Authority, as Perſons for whom after a more ſpecial Manner we are to pour out our Supplications unto God. Likewiſe *Tertullian*, teaching that according unto the Chriſtian Doctrine, to wiſh Evil, to do Evil, to think Evil, is indifferently forbidden us towards all Men: Thence inferreth, if we are not to offer the leaſt of theſe Injuries to any Man, much leſs to him

1 Sam. 24.

Salvator tria præcepit inimicis exhibenda: quorum primum deligere adCor pertinet, ſecundum nempe beneſacere ad opus, tertium benedicere, 1. bene precari & orare, ad linguam. Cap. 40 Canco.

* 1 Tim. 2.

In Apologetico cap. 36.

that is ſo highly advanced by our God, ſpeaking of the Emperor.

Phil. Who was this Emperor of whom *Tertullian* ſpeaketh?

Thod. It was *Severus:* For under him (ſaith *Hierome Tertullian* flouriſhed.

In Catalo.

Phil. Was this Emperor a Tyrant in his government?

Theod. Yea, an unbelieving Tyrant, an Infidel, that did grievouſly perſecute the Chriſtians, whom he did afflict with the fifth famous Perſecution.

Severus quinta poſt Neronem perſecutionem Chriſtianos excruciavit; Cæs. et Baro; an. CHR. 205 Sæviſſima perſecutione.

Phil. Then I perceive by *Tertullian*'s judgment, that not only Tyranny, but likewiſe Tyranny joined with Infidelity, doth not unlooſe the bond of Duty and Obedience from Subjects unto their Soveraign.

Theod. You may learn this Truth from a more ancient and authentick Author than *Tertullian*, even from the bleſſed Apoſtle Saint *Peter*. This holy Servant of God writ his firſt Epiſtle in the Time of *Claudius* the Emperor, and did direct it unto his Country-men the Jews, *here and there throughout Pontus, Galatia, Cappadocia, Aſia, Bythinia*, which were Regions then Subject unto the Roman Emperor. For many Years before *Claudius* reign, *Pompy* the Great made theſe Regions Roman Provinces.

Baro. to. 1. anno 45. The Remiſts in their table of Peter.

1 Pet. 1.

Sigon. comment. in Lib. 2. Sulpitij.

And

And becauſe ſome Seducers (as *Joſephus* Witneſſeth) had perſwaded the Jews under a Pretext of maintaining their liberty, that Tribute was not to be paid to *Cæſar*, neither any mortal Man was to be accounted as a Prince, or Lord over them, but GOD only: S. *Peter* exhorteth them ſo to be free, *as not having their Liberty for a Cloak of Maliciouſneſs*, but as the Servants of GOD, and to fear GOD, but yet to honour the King alſo: And although Magiſtrates be Men, and ſo their Ordinance, in regard of the Perſons in whom it doth reſide, but humane: yet to ſubmit themſelves unto them, for the Lord's ſake, from whom they received their Authority.

Judaicarum Antiquit. Lib. 18. Cap. 1. & lib. 2. de bello Judaic. caſ. 12.

1 Pet. 2. 16. & 18.

Phil. This King whom S. *Peter* would have his Brethren the Jews to honour, and that as *Supream*, cannot be any other than the Emperour *Claudius*, under whom (as you have ſhewed) S. *Peter* writ his Epiſtle, and whoſe ſubjects were the Inhabitants of *Pontus, Galatia, Capadocia, Aſia, Bythinia*, unto whom S. *Peter* inſcribed his Epiſtle. And S. *Peter* might well term this Emperour a King, becauſe *Roman* Emperours (ſaith *Appian*) *were in all their deeds and Actions Kings.*

Præfa. Hiſto.

Theod. your Collection and Inference is very firm, and full of Truth: And therefore S. *Peter* exhorteth his Brethren

Baro. Anno 45. *Rhemiſtes in their table of Peter.* the Jews (himſelf reſiding then at *Rome*) to ſubmit themſelves, and to be ſubject unto a prophane Infidel, a cruel Tyrant; for *Claudius*, upon the ſight of the leaſt Prodigy, worſhipped the heathen Gods after the Cuſtom of the ancient *Romans*:

Sueto. Cap. 22. He was naturally ſo mercileſs, and given to blood-ſhed, that he would have Tortures in Examinations, Puniſhments for *Paricides*, executed in his own Preſence: he had moſt cruel Searchers of all that came but to ſalute him, ſparing not any Sex or Age; delighted to ſee the Faces of Fencers (whoſe Throats he had cauſed to be cut for ſtumbling by change in their Sword-fights) as they lay gaſping and yielding up their Breath: he was exceſſively given to the wanton Love of Women, and was ſo inthralled unto his Wives and Freemen, that, as it was commodious unto them or ſtood with their Affection, he granted honorable Dignities, conferred the Conducts of Armies, and decreed Impunities or Puniſhments.

Suet. Cap. 34.

Suet. Cap. 33.

Suet. Cap. 29.

Unto ſuch an unbelieving and bloudy Oppreſſor, S. *Peter* earneſtly exhorteth the believing Jews to yield Obedience.

Phil. After what manner? In outward Shew and Appearance, only of Conſtraint, and becauſe (*Willed they, nilled they*) they were to obey?

Theod.

Theod. No: for St. *Paul* writing his Epiſtle unto the *Romans* living under the ſame Emperor, commandeth *every Soul to be Subject unto the higher Powers and not becauſe of Wrath*, not out of Fear of outward Force, or Violence, *but for Conſcience ſake*; and for that theſe higher are the *Ordinance of God, the Miniſters of God.* And this is, as the ſame Apoſtle elſewhere admoniſheth, to yield Obedience unto them *from the Heart, as ſerving the Lord and not Men.*

Remiſts in their table of Paul.
Rom. 13.
Col. 3.
Eph. 6.

Which heavenly Doctrine of the Apoſtles, was afterwards often iterated by the Fathers of the primitive Church in their Writings, leaſt by the Fraud of Satan it might ſlip out of the Minds of the faithful. *Juſtin* Martyr in the Name of the Chriſtians in his Days, ſaith unto *Antoninus* an unbelieving Emperor, and a Perſecutor: We only adore God, and in all other Things (not of Conſtraint) but cheerfully perform Service unto you. And *Auguſtin:* The Powers that are, are of God: hence we honour a Gentile placed in Power, although he himſelf, who holding God's Order giveth Thanks unto the Devil, be unworthy: for the Power requireth it, and deſerveth Honour, as ordained of God.

Perſecutio 4 ſub. Antonino Bellar. in Chro.
Apol. 2. ad Anton. Impe.

Phil. Howſoever infidelity doth not diſſolve the Bond of a Subject in Duty and

and Allegiance unto his Sovereign, yet may not Hereſy and Apoſtaſy?

Theod. Conſtantius, Valens, Valentinianus the younger, were Arrian Hereticks yet we read not that they were rejected by *Orthodox* Chriſtians as unlawful and uſurping Emperors. And (which is worſe) was not *Julian an Apoſtate,* an *Aug.* 124 Pſ. Idolater? yet Chriſtian Soldiers ſerved this unbelieving Lord, and when he ſaid go forth to Fight, invade ſuch a Nation, they obeyed.

Phil. Some ſay this was for want of Strength, and Forces, to reſiſt.

Theod. They could not want Strength, when the greateſt Part of *Julian*'s army were Chriſtians, as it appeared inſtantly upon his Death by their joint Exclamation unto *Jovinian* his Succeſſor. For this Army chooſing *Jovinian* Emperor, and he refuſing to have any Imperial Command over them, becauſe he was *Ruffin lib.* 2. a Chriſtian, and they Pagans: all of *hiſt. cap.* 1. them with one Voice made Anſwer, And we are Chriſtians. It was not then for want of Power they obeyed, but ra- In Pſal. 124 ther, as *Auguſtine* writeth of them, They were Subject unto *Julian* their temporal Lord, for his ſake that was their eternal Lord and Maſter, and out of Obedience unto his Commandments.

If

If Subjects are obliged in Duty and out of Conſcience chearfully to obey tyranous, unbelieving, heretical, apoſtatical Princes, as Powers ordained of God; with what Alacrity then ſhould we be in all Things obſequious unto our gracious, and religious Sovereign? Gracious as being like unto God, whoſe Vicegerent he is in this, that his Clemency and Mercy is over all his Works: Religious, in that he is a zealous Propugner of the ancient and Catholick Faith, not only by his Kingly Power and Authority but likewiſe by the learned Pen of a ready Writer.

Notwithſtanding ſome are ſo blinded with the *Roman* Superſtition, that they are ready upon ſome pretended Acts of the Biſhop of *Rome*, as upon his Diſpenſations or Excommunications, to renounce their Obedience unto ſo merciful, and pious a Prince.

Phil. May not then the Biſhop of *Rome*, either by diſpenſing with the Law, which bindeth Subjects unto Obedience; or with the Oath, whereby they ſincerely ſwear to perform this Obedience unto his excellent Majeſty; unlooſe the Bond of their Allegiance?

Theod. The Biſhop of *Rome* cannot diſpenſe with the Law of Nature; which from the firſt beginning of the reaſonable Creature

Aquin. 1. 2. *q.* 94. *Art.* 5.

Creature is unchangeable, nor with the
1. 2. *q.* 100. *Art.* 8. moral Law of God, whoſe Precepts are indiſpenſable. But the Duty of Subjects in Obedience unto their Sovereign, is grounded upon the Law of Nature; beginning with our firſt Beginning. For as we be born Sons, ſo we are born Subjects; his Sons, from whoſe Loyns; his Subjects in whoſe Dominions we are born. The ſame Duties of Subjects are alſo enjoined by the moral Law, and particularly (as you ſhewed in the very entrance unto this our Conference) in the fifth Commandment, *Honour thy Father and thy Mother:* where, as we are required to honour the Fathers of private Families, ſo much more the Father of our Country and the whole Kingdom. And as the Biſhop of *Rome* cannot diſpenſe with theſe Laws impoſing upon us Obedience unto his Majeſty, ſo neither with the Oath we take to perſevere in this Obedience. When *David* ſaid, *I*
Pſal. 119. *have ſworn that I will keep thy righteous Judgments*, if the Biſhop of *Rome* had been then in his Fulneſs of Power, could he have diſpenſed with this Oath? and ſo if any now by the Example of *David*, ſwear to keep God's righteous Judgements of *not committing Adultery*, or of *honouring their Parents*, and *Magiſtrates*; he cannot free them from this Oath:

but

but if we violate both theſe Commandments, we are as well *Rebels* as *Adulterers*.

Phil. Are not the Excommunications of the Biſhop of *Rome* of more Force to looſe the Bond of Allegiance, than his Diſpenſations?

Theod. Theſe likewiſe have no Power to work this Effect. Excommunication upon a Contempt unto the Church, doth not make a Man worſe than an *Ethnick*: but you have heard that both S. *Peter* and S. *Paul* earneſtly exhort us to be ſubject unto heathen and Ethnick Princes; and therefore we may alſo yield Obedience unto excommunicated Princes: beſides Excommunication (according to the Doctrine of the Romaniſts themſelves) doth not free a Servant from Obedience unto his Maſter, or a Son unto his Father. And Kings are as Maſters, and Subjects as Servants; for ſo *David* calleth *Saul* his *Maſter*, and ſtileth himſelf his *Servant*: Kings are as *Fathers*, and Subjects as *Sons*; for ſo King *Ezechias* was a Father over the Fathers of his People, even the Prieſts; and therefore much more over the reſt of his Subjects. As then Excommunication doth not diſſolve the Bond of Duty between Fathers and Sons, of Service between Maſters and Servants; no more doth it

Mat. 18.

Aquin in ſup. quæ. 23. *Tolet inſt. Sacerd. l.* 1. *c.* 9.

1 Sam. 24 11.
1 Sam.
2 Chro. 29.
Debora a Mother in Iſrael. Judg. 5. 7.

the Bond of Fidelity between Princes and their Subjects. And ſo at length I have proved unto you, that neither ſuppoſed Crimes in Princes, as Tyranny, Infidelity, Hereſy, Apoſtacy, nor the Epiſcopal Acts of Diſpenſation, and Excommunication; and ſo in effect, that nothing can free Subjects from their Fidelity and Allegeance unto their Prince.

Phil. Nothing! The *Seal* of *Confeſſion* doth at leaſt in part free ſome Subjects from ſpecial Duties of Obedience unto their Sovereign; as Prieſts from revealing Treaſons and Conſpiracies which they know, as *Ghoſtly Fathers*, from the Penitent. For if Conſpiracies or Treaſons be known unto a Prieſt in Confeſſion, the Bond thereof doth bind him to conceal it, becauſe they are known unto him as unto God, whoſe Vicar he is in hearing the humble Confeſſions of repentant Sinners.

Aquin in ſup. q. 11. *Art.* 1.

Theod. If Prieſts in Confeſſion do underſtand of Treaſons and other enormous Offences endangering the publick Safety of the Church or Commonweal, as God, and as the Vicars; then they are to imitate God, whom they would repreſent, in the diſcovering of theſe grievous Crimes. For God always both after a miraculous Manner and (as it were) by his own immediate Finger brings to light crying

crying Sins, when they are done in Secret, and for a Time are inwrapped in Darkneſs.

Did he not by the Birds of the Air detect the Murder of *Ibycus?* And becauſe the Perſons of Princes are more ſacred than the Perſons of private Men, God hath made a ſpecial Promiſe in his Word, that he will detect *Curſes*, conceived only in the Heart, againſt *Kings*, by the *Fouls of the Heaven* (that is) after a ſtrange and miraculous Manner, if by ordinary Means they ſhall not be revealed. And therefore ſome Prieſts of *France* have detected Intendments of Treaſon, only in Thought, heard by them in Confeſſion: and the Authors of theſe Intendments have been puniſhed with Death. A Gentleman of *Normandy* in *France* confeſſed unto a Frier Minor, that he had once a Reſolution to murther King *Francis*, and that he repented of his wicked Purpoſe. The Frier gave him Abſolution, but revealed his wicked Purpoſe unto the King: and after Deliberation had thereof in the Parliament of *Paris*, the Gentleman was executed; and the Frier not puniſhed with any Cenſure of the Church for his Detection.

I'y us et periit, vinlex fuit altivolans cent. Aſon.

Eccl. 10.

Bodin. lib. 2. de Rep. 5. ca. 5

Prieſts then are in God's ſteed, while they hear Penitents confeſſing their Sins,

not to conceal theſe Sins if they be enormous and dangerous unto the publick State; but according to their Commiſſion, (*whoſe Sins ye remit, they are remitted*) to declare unto them the Remiſſion of their Sins; as they are Offences only againſt God, and before his heavenly Tribunal.

Joh. 20.

Phil. But the *law of the Church* commandeth Prieſts to conceal all ſuch Sins as come unto their Knowledge by way of Confeſſion.

Theod. This Law of the Church is but the Law of Pope Innocent the Third, cited in the Decretals (for he is the moſt ancient Author that the *Romaniſts* can alledge for their Seal of Confeſſion:) But were it a Law of the whole Church, it is but an Eccleſiaſtical Law. Now if Duties injoyned by God himſelf in his moral Law, as *not to do any Manner of Work upon the Sabbath Day*, may be omitted by our Saviour's Commandment to ſave the Life of a Beaſt: May not ſome Things impoſed only by an Eccleſiaſtical Law, be neglected for ſaving the Life of a King, upon whom ſo many Lives depend: So that neither the Seal of Confeſſion doth free us from any part of the Duties of Allegeance unto our Sovereign.

C. Omnis utriuſq; de Pœniten. & Remiſſ. See *Valent a Tom.* 4. *diſt.* 7. *q.* 13. *p.* 1.

Mat. 12.

Phil.

Phil. If the Bond of Allegeance from Subjects unto their Prince is ſo inviolable, that nothing, no not *the Seal of Confeſſion*, can diſſolve it: is there not Means to ſtay the Fury of a *Sovereign Commander*, if he ſhould be ſo tyrannous, and profane, as to endeavour to oppreſs the whole Church at once, and utterly to extinguiſh the Light of *Chriſtian Religion?*

Theod. Princes in their Rage may endeavour wholly to deſtroy Chriſt's Church; but in vain: becauſe Chriſt hath ſo built it upon a *Rock*, that the Strength and *Gates of Hell* ſhall not ever Mat. 16. ſo far prevail *againſt it*, as quite to vanquiſh it. And when they do labour to effect ſo hainous an Impiety, the only Means we have to appeaſe their Fury is ſerious Repentance for our Sins, which have brought this Chaſtiſement upon us; and humble Prayer unto God, who guideth the Hearts of Princes like Rivers of Waters. You know how before the coming of Chriſt the viſible Church was only amongſt the Jews; and that while they were Captives under the *Perſian* Monarchs, *Aſſuerus* at the Inſtigation of *Haman* ſent forth a Degree to *deſtroy them all both young and old, Children and Women, in one Day.* Eſter 4. Here the whole Church, by the barbarous Deſignment of *Aſſuerus*, ſeemed

ſeemed to be in the very Jaws of Death; yet they take no Arms, they conſult not how to poyſon *Aſſuerus* or *Haman*, they animate no deſperate Perſon ſuddenly to ſtab them; but there was only *great Sorrow amongſt them, and faſting and Weeping, many lying in Sack-cloth and Aſhes,* to humble themſelves under the mighty Hand of God for their Sins, and to avert his Wrath hanging over their Heads, by the Cruelty of ſo bloody a Tyrant.

Eſter. ca. 4.

And the ancient Chriſtians, upon the like Occaſions, imitated theſe *Jews*. For when they were threatned by *Julian* the Apoſtata, with an utter extinction of Chriſtianity, they hindred and repreſſed him with their Tears, having this only Remedy againſt the Perſecuter. If any therefore are oppreſſed with the Tyranny of their ſupream Governours, let them (ſaith *Sarisburienſis*, even in the Darkneſs of Popery) flee unto the Patronage of God's Mercy, and with devout Prayer turn away the Whip wherewith they are ſcourged: *For the Sins of Offenders, are the ſtrength of Tyrants.*

Nazian. Zora 1. in Julian.

Lib 8. ca. 20

Peccata enim delinquentium ſunt vires Tyrannorum.

Phil. To be freed from Tyranny and Oppreſſion in this World, is a temporal Benefit: and many times God hearkneth not unto our Prayers for temporal Benefits. How then are faithful and loyal Subjects

Subjects to comfort themſelves againſt the Preſſures of mercileſs Tyrants?

Theod. Their only comfort in this Caſe is, that which St. *Auguſtin* long ſince miniſtred unto them. The Rod of Sinners (ſaith he, ſpeaking of wicked Maſters and Magiſtrates) lieth heavy upon the Lot of the Righteous; but not for ever. The Time will come when one God ſhall be acknowledged: The Time will come, when one Chriſt, appearing in his Brightneſs, ſhall gather before him all Nations, and ſever them, as a Paſtor ſevereth his Goats from the Sheep, and place his Sheep upon his Right Hand, and his Goats upon his Left. And then thou ſhalt ſee many Servants, and Subjects, amongſt the Sheep, and many Maſters, and Princes, amongſt the Goats: and again many Maſters, and Princes, amongſt the Sheep, and many Subjects and Servants amongſt the Goats. So when all other Helps and Comforts do fail diſtreſſed Subjects; the Day of Judgment, the End of all tranſitory Things, will bring an End unto their Sorrows.

Phil. With this End of all Things, I pray you, let us end this our Conference; beſeeching God ſo to affect the Hearts both of *Princes* and *Subjects*, with a ſerious and frequent Cogitation of this laſt Judgment;

Judgment; that they in Governing, theſe in Obeying, both in all their Actions, and *whatſoever they do*, may (with St. *Hierom*) have the Voice of the Archangel always ſounding in their Ears, *Ariſe from the Dead, and come unto Judgement.*

De Reg. & Monacho.

A

TREATISE

Of the Obligation of

Humane Laws

In reference to their

MATERIAL CAUSE.

By the moſt Learned and Rev^d. Father in God,

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Late Lord Biſhop of *Lincoln.*

LONDON.

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Of the Obligation of

HUMANE LAWS

In reference to their

MATERIAL CAUSE.

PROV. 8. 15.

Per me Reges regnant et Legum conditores juſta decernunt.

By me Kings reign, and the makers of Laws do decree Juſtice.

I Have reduced to two General Queſtions, or to two Heads, what I have propounded to be ſpoken concerning the Obligation of humane Laws; The firſt is, *whether humane Laws do oblige the Conſciences of Subjects?* Concerning which in the former Lecture I have expounded to you what was my Judgment of it. The other

other Queſtion is, *How they oblige?* To which Queſtion, I have told you, there belongeth the deciding of ſome *Caſes* and *Doubts* which meet in this Subject: And becauſe they are not few, nor of one kind, therefore to avoid Confuſion, and that we may proceed in ſome Order and Method to that which is to be ſpoken, I have thought it not impertinent to give you a rough Repreſentative of the whole Treatiſe now in Hand. And that Method which I obſerved in thoſe my former Exercitations concerning the *Obligation of an Oath*, I here conceive it very neceſſary for me to uſe again, that thoſe Things may all of them be reduced to the *four kinds of Cauſes*, which I conceive may commodiouſly be referred to them. But becauſe I do find many Things to remain which cannot eaſily be included in thoſe Bounds, we will aſſign them their ſeveral Claſſes; and they are chiefly two, the firſt of *Perſons* who are under the Obligation of thoſe Laws; and the other in the *Comparing* of the *Obligatory Virtue* which is in humane Laws, with that which ariſeth from the Judgement of the Conſcience, by Vows, Oaths, Promiſes, Contracts, and from the Law of Scandal, or if there be any Thing elſe which is elſe where Obligatory; for theſe two Opinions do

ſeem to be in a Conteſtation, and juſtling for precedency to ſtrive which of them ſhould give place unto the other. To add the third Claſſis for ſome certain *Species of Laws* which ſeem to contain in themſelves ſomething ſingular to themſelves, ſuch as are Eccleſiaſtical Laws, Penal Laws, and the Local Statutes of Colleges, and leſs Societies, will not peradventure be very neceſſary, ſeeing in ſome Manner they may be reduced to ſomething in *the four kinds of Cauſes*, and though not ſo aptly as to ſatisfy the curious, yet ſo fully as to ſerve our preſent Purpoſe; for whilſt our Readers underſtand what it is we ſpeak of, we have never taken any great Care in what Method we have gone. We will in the firſt place therefore (if God ſhall grant Life, Health, and Opportunity to accompliſh what we have propounded) ſpeak of the Obligation of the Laws as to the four kinds of Cauſes; In the ſecond place of the Perſons who are obliged to the Obſervation of thoſe Laws; And Laſtly, of the *Compariſon* of the *Obligations* which quarrel amongſt themſelves, giving you before-hand one or two Diſtinctions which will be of great Concernment in the whole Management of this Diſcourſe.

II. We muſt underſtand therefore in the firſt place, Seeing that to the end of

Political

Political Government and Order, there is a two-fold Power in thoſe who are inveſted with Sovereign Authority: A *Directive Power*, by which the Subjects may underſtand what they have to do, and a *Power Coactive* or *Coercitive* (for, by reaſon of the Analogy, it is better ſo to call it than Coercive) by which the Subjects may be compelled to the performance of thoſe Things that are commanded, if of their own accords they ſhall refuſe to give Obedience to them, both which are ſo contained in the Laws, that the one conſiſteth moſt in Precepts, and the other is moſt to be ſeen in Puniſhments; there ariſeth from this double Power of the Magiſtrate, a double Duty of the Subject which anſwereth to that double Power: The Duty of Obedience in reference to the Directive Power, and the Duty of Subjection in reference to the Power Coercitive. I here underſtand *Subjection* as it is properly ſo called, by an Appellation Generical, which, as elſewhere it often comes to paſs, is reſtrained to one certain *Species:* For Obedience alſo is a *Species* of Subjection largely taken. The Apoſtle comprehends both thoſe Duties, *Heb.* 13. 17. and ſignifies them in theſe two Words πείθεσθε & ὑπείκετε, *Obey them that have the Overſight of you, and ſubmit your ſelves:* The firſt

firſt whereof pertaineth to the Duty of *Obedience*, or of performing that which is commanded by a lawful Superior, the other to the Duty of *Subjection*, or of enduring what by him ſhall be inflicted. Furthermore, As from a double Power, there ariſeth a double Duty, ſo from a double Duty, there ariſeth a double Obligation; for every Duty doth infer an Obligation, and every Obligation doth ſuppoſe a Duty: Therefore one kind of the Obligation of Humane Laws, is that, by which Subjects are bound to obey the Precepts of the Law it ſelf; and the other, by which they are bound to ſubmit themſelves to the Power of the Lawgiver: One of the Obligations belongeth to *Active Obedience*, the other unto that Obedience which is called *Paſſive*, and to which we give the Name of *Submiſſion*.

III. If it be here demanded how far Humane Laws can oblige the Conſciences of the Subject; it is to be ſaid in the firſt place, that all Laws made by one inveſted by a lawful Power, do oblige to Subjection, ſo that it is not lawful for a Subject to reſiſt the ſupream Power by force of Arms, whether Things juſt or unjuſt be commanded. This was evermore the Mind, and Practice of the Chriſtians in the firſt Age of the Church, living under the moſt grievous Tyranny of

of the greateſt Enemies to the Name of Chriſt; and to make no Mention herein of the Conduct, and the inſtinct of *Nature*, and Light of *right Reaſon*, this is moſt manifeſt by the Doctrine of the two chiefeſt of the Apoſtles. For ſo *Peter* the Apoſtle of Circumciſion, doth diligently inſtruct the Jews; and ſo *Paul* the Doctor of the Gentiles, doth as carefully inſtruct the Gentiles. St. *Peter* in the firſt Book and ſecond Chapter, commands Servants to be ſubject to their Maſters, not only good and gentle Maſters, but thoſe ſeverer ones, who wou'd puniſh them with Scourges, when they had not deſerved it. St. *Paul*, *Rom.* 13. doth urge in many Words the Neceſſity of Subjection, but granteth unto none the Liberty of Reſiſtance, be their Caſe, or their Pretence, never ſo Good. In the ſecond place, I ſay, That although this Subjection is *ſimply neceſſary*, yet it is not ſatisfactory as to *Duty*, unleſs the Command of the Law be obeyed where it can be done without Sin: And therefore the Subject is bound to Obedience in Conſcience, in all Things that are Lawful and Honeſt. Hence it is, that this Word *be Obedient* is ſo often, and ſo expreſsly inculcated by the Apoſtle, *Eph.* 6. *Col.* 3. and in other places. In the Third place, I ſay, Where the Precept

of

of the Law cannot be obſerved without Sin, if the Subject ſhall patiently ſubmit himſelf to the Power of the Law-giver, he has ſatisfied his Duty, and is not obliged in Conſcience to perform that which the Law commandeth; nay, he is obliged not to do it; for there can be no Obligation to Things unlawful: It is always neceſſary therefore to be ſubject, but not always neceſſary to obey.

IV. Furthermore, ſeeing both are certain, that the Conſciences of Men are free, and ought to be ſo, which Liberty no human Power can, or may infringe; and that an *Obligation* is a kind of a Bond, and doth induce a Neceſſity, which ſeemeth to be oppoſite, and to fight with *juſt Liberty* (for neither is he any ways free who is bound, neither can he be free to both, who by ſome neceſſity is Bound to either) that it plainly may appear that this Obligation of Conſcience, of which we now do treat, may conſiſt with the juſt Liberty of Conſcience, we muſt neceſſarily in this place give you another Diſtinction, which is, that the *Precepts* of humane Law may be taken two Ways, either *formally* for the *Act* it ſelf of giving the Precepts, or *materially* for the *Thing precepted:* If the Law-giver therefore ſhould intend an Obligation, or impoſe on the Subject a neceſſity

Servitus in totum hominem non deſcendit. Sen. de Benef. 20.

ty of Obeying, from giving the Precept of his Law taken *materially*, that is, from the Neceſſity of the Thing it ſelf which is precepted, which notwithſtanding in the Truth of the Thing, was not neceſſary before that Law was made, he in that very Fact ſhould lay a Force upon the Conſcience of the Subject, which ſhould be repugnant to the Liberty of it. But if he ſhould derive his Obligation from giving the Precept of his Law taken *formally*, that is from the legitimate Authority with which he himſelf is inveſted that gives it (a Moral indifferency of the Thing precepted in the mean Time remaining, and in the ſame State in which it was before the Law was made) altho' the Obligation followeth which impoſeth on the Conſcience a neceſſity of Obeying, yet the inward Liberty of the Conſcience remaineth uninjured and intire.

V. If this ſeems Obſcure to any, I will illuſtrate it unto him by an Example; A Civil Law being made, that no Man ſhould eat Fleſh during all the time of Lent, if the Law-giver either in the Preface or in the Body of that Law ſhould ſignify that he laid this Command upon his Subjects, becauſe it were Ungodly, and Unlawful for them in that time to eat Fleſh, This were to throw a Snare on the Conſciences of his Subjects, and

as much as in him lay to weaken their Liberty; but if expreſly he ſhould ſignify, that the Thing being otherwiſe free in it ſelf, he did ſo ordain it for the Profit of the Commonwealth, that his Subjects according to the Example of the ancient Church, ſhould thereby take an Occaſion to exerciſe a more abſtemious and ſeverer Diſcipline; or if by the Words of the Law it ſelf, or elſewhere it might appear, that the Law-giver intended not by that Law to faſten any Opinion of neceſſity on the Thing ſo commanded, there would on this Account no Injury be done to the Conſciences of the Subjects, and the Liberty thereof. For there is a great Difference, when one Thing is commanded by the Magiſtrate, becauſe it is thought to be neceſſary, or is prohibited, becauſe it is conceived to be unlawful; and when another Thing begins then only to be thought neceſſary and lawful, after that it is commanded by the Magiſtrate, and unlawful, becauſe it is forbidden by him. The firſt Neceſſity which anteceded the Law, and is ſuppoſed by it to be ſome Cauſe of it, is contrary to the Liberty of the Conſcience; but the other, which followeth the Law, and proceedeth from it as an Effect thereof is not repugnant to it. The reaſon of this Difference is, becauſe

the

the antecedent Neceſſity which the Law ſuppoſeth, doth neceſſarily require ſome Aſſent of the *practical Judgment*; but to the following Neceſſity which proceedeth from the Law, the Conſent of the Will is ſufficient to the Performance of that outward Work which by the Law is commanded. Now an *Act* of the *Will* cannot prejudice the Liberty of Conſcience, as an *Act* of the *Judgment* doth; for the *Act* of the *Will* doth follow the Dictates of the Conſcience as the *Effect* followeth its *Cauſe*, but the *Act* of the *Judgment* doth precede thoſe Dictates, as the *Cauſe* goeth before its *Effect*.

VI. Theſe Diſtinctions being premiſed, I proceed unto the *Doubts*, where in the firſt place thoſe which we meet with concerning *the material Cauſe* ſhall be examined and diſcuſſed at this Time. The firſt Doubt is *De Materia impoſſibili, of a Matter in it ſelf impoſſible*, concerning which I ſay in the firſt place, no Law ought to be made concerning a Matter altogether Impoſſible; If ſuch a Law be made, it is Tyrannical, and by right null, and obligeth no Man in Conſcience. The firſt Reaſon is, becauſe that Laws are made in relation to *Acts*, as, to be acted by a Man who is a free Agent; now Liberty ſpeaketh a Power unto both, but in Things

impoſſible there is no ſuch liberty of Power, as by it ſelf is manifeſt. Secondly, no Man by right can be obliged to the Performance of that, the Omiſſion whereof cannot be imputed as a *Fault* unto him, nor ought to be imputed to him for *Puniſhment* (for every Obligation is either to a *Fault*, or to a *Puniſhment*, or to both) but the Omiſſion of a Thing impoſſible cannot be imputed to any Man for a Fault, nor ought it to be imputed to any one for a Puniſhment: *Ergo, &c.* But that there is no Obligation of a Thing impoſſible (whether it be impoſſible by the Nature of the Thing, or by Circumſtances, or any other Way) hath already by me been proved in my Treatiſe of *the Obligation of an Oath*, and there is no need of Repetition.

Prælect. 2. Sect. 21.

VII. I ſay in the ſecond place; A Law which is poſſible to ſome, but ſeemeth to many other, or to but few, or peradventure but to one or two to be impoſſible, may lawfully be made, if it be uſeful to the Common-wealth, but not unleſs there be ſome extraordinary great Cauſe, and a manifeſt Neceſſity doth require it; but being made it doth oblige all thoſe who are able to keep it, but not thoſe who cannot keep it; as if ſome great Tribute were commanded for the neceſſary Uſe of the Common-wealth, for the Payment whereof ſome of the Subjects

jects are nothing ſo able as others. Thoſe who are ſo poor that they cannot pay the Sum which the Law lays upon them, are not bound in Conſcience to do that which they are unable to perform, as is already apparent by the Propoſition above mentioned: Nevertheleſs they are obliged to make their Addreſſes to thoſe who are over them, and openly, and ſincerely and without the leaſt Falſhood, to profeſs the Slenderneſs of their Eſtate, and unleſs they can prevail to be quite exempted from the Law, or to procure a Remiſſion of ſome part of the Sum with which they are taxed, they are to bring into the Publick as great a part of it, as poſſibly they can; for he who cannot do what he ought to do, he yet ought to do what he is able to do.

Μηδὲ ὅτι τῆς ἀξίας λείπῃ, τὸ πᾶν ἐλλείπῃς. Naz. Orat. 9. *Debeone omittere quod poſſum, quia im quod debeo minime poſſum?* Bernard.

VIII. The ſecond doubt is, concerning a thing commanded by the Law, not impoſſible, but very grievous, and very burthenſome, and which the Subject cannot perform without great Inconvenience, Loſs, Danger of Life, and the Ruin of his whole Eſtate; I ſay in the firſt place, That in this caſe the Lawgiver (if he foreſeeth this will come to paſs) ought to uſe ſome Caution in the Clauſes of that Law, and as conveniently as he can, he is to provide a Remedy for this Evil: And if it cannot ſo well be

be done in the Form of the Law it ſelf (leſt ſubtile and deceitful Knaves, and too much intent to their own profit may thereby find a Hole to eſcape, and ſo elude the Force of the Law) yet what poſſibly in him lyeth, he ought to provide, that in the Execution of that Law ſome Qualification may be had, leſt a Law otherwiſe profitable and neceſſary may become a Snare or a Detriment to any honeſt Man. I ſay in the ſecond place, That the Subject, though ſo heavily taxed, is nevertheleſs bound in Conſcience to obey that Law, although with the Ruin of his whole Eſtate, if any evident or neceſſary Cauſe for the Good of the Common-wealth doth ſo require. For Example, ſuppoſe a hoſtile Army be invading the Kingdom, if a Law be made that all the Corn in the Fields, for ſome Miles, not far from the Shore, be ſpoiled, and all the Corn in the Barnes or Ricks which cannot be carried away, be burned, and that all the Houſes in the Suburbs be pulled down, and that all the Sluces thereabouts ſhall be opened, and the Fields be drowned; every Citizen and ſubject is directly bound to obey this Law, and cheerfully, and willingly to obey the Commands thereof, and with the Loſs of his own Goods to redeem the publick Safety, and not only upon

that account, that his Country being betrayed to his Enemies by his unſeaſonable Parſimoniouſneſs, it is ſure enough that every private Perſon will be ſuddenly ſenſible of the enſuing Calamity, but eſpecially out of the Conſcience of his duty; becauſe that every good Man is to prefer the publick above all private Intereſts. I ſay in the third place, That a ſubject, unleſs ſome remarkable Neceſſity doth appear, or Fear of publick Danger, is ordinarily not obliged to obey a Law that is ſo extremely burthenſome as to bring with it the certain Ruin of his whole Eſtate, or the imminent Danger of his Life; but he is bound, as generally hath been already ſpoken, (and which almoſt in all Caſes I would have you to obſerve, that we may need not any more to repeat it to you,) to make not the leaſt Reſiſtance, but patiently to endure whatſoever Injury or Contumely ſhall be brought upon him by the ſeperior Powers.

IX. The third Doubt, is concerning Things neceſſary, (as if the Law of Men ſhould command any thing which was neceſſary before, and commanded by the Law of God, or forbid any thing which was before unlawful and prohibited by the Law of God: What is the Obligation in this Caſe? I anſwer briefly,

That

That the Subject by this Law is abſolutely
2. obliged; For firſt, the Obligation which was in force before by the Law of God doth not hinder the Effect of the Law of Man by excluding a new obligation; for a Man by many Bonds may be obliged to the performance of one and the ſame Duty, as I have already declared in the former Lecture; to which reaſon we may alſo add another, which is that oftentimes the Law of Man doth add ſomething to the Law of God, to wit, by determining the Act, as to the ſubſtance of it commanded by the Law of God, and therefore neceſſary, as to the Manner, Quantity or ſome other Circumſtance of it which was free before, or by adding ſome Determination to the Law of God prohibiting a thing unlawful, as to the Degree of the Crime, or the Manner of the Puniſhment, or the Meaſure of it, or other things of the like nature: for Examples ſake, it is by Divine Right that there ſhould be publick Congregations to perform the Duties of Divine Worſhip; but at what Hour the People ſhall meet, and in what Place, what Form of Words are to be uſed, and what muſt be the Geſture of the Body, the ſeveral parts of the Service, and other things of the ſame Nature, are all of them to be determined by Humane

mane Conſtitutions. In the ſame manner, the Law of God forbiddeth Theft to be committed, but what kind of Theft is to be animadverſed againſt with ſuch a Puniſhment, and what with another Puniſhment, is from the Laws of Man: From this Determination of a general thing and undetermined by the Law of God, the Law of Man hath this Privilege, that it can induce a new Obligation on the Conſcience of the Subject, not only different from the firſt Obligation in Number, and in reſpect of the *Term*, becauſe it is of another Dependency, but alſo diverſe in the Species, and in reſpect of the Matter, becauſe it is exerciſed on another Object; for the firſt Obligation, which ariſeth from the Law of God is to the thing it ſelf as it is a Subſtance; but this Obligation which the Laws of Men do ſuper-induce, is to the Manner of the thing, or to the Circumſtance of it.

X. The fourth Doubt, is of a thing that is foul and unlawful, which is indeed a Doubt of great Moment, and containeth many Caſes: For almoſt all the Conditions which are required to the right Conſtitution of Laws, are reduced to Juſtice alone. And not only for that reaſon, that univerſal Juſtice doth in her Circle comprehend all Vertues; but eſpecially

Πάσαι τὰς νομιμὰς, ἐστὶ πᾶσαι δίκαιαι. Ariſt. 5. Ethic. 3.

pecially for this reaſon, that particular Juſtice, and more ſpecifically that Juſtice which is called Legal Juſtice, is above all other Vertues the chief and the only Pillar of Common-wealths and all humane Societies. Concerning this Doubt; In the firſt place it is queſtioned, Whether an unjuſt Law ought to be made for the Publick profit. Of which Opinion was *Nicho. Machiavel,* who affirmed, that the due Matter of Laws, whether juſt, or unjuſt, was that which was moſt commodious for the preſerving and the encreaſing of a politick Sate; for when, in his Opinion, the End of Civil Power is the Preſervation of it ſelf, and the Encreaſe of Sovereignty, which Power cannot vigorouſly be preſerved, much leſs the Sovereignty, enlarged, if all the Laws, and Counſels of Princes were examined according to the exact Rule of of Juſtice, and honeſty. It concerned thoſe who ſat at the Helm, ſo to bend (as Occaſion ſhould require) the Rule of Honeſty, as to make it ſubſervient to the publick Advantage; for the End in all things is to know how beſt to meaſure thoſe things that are of a middle Nature. Whatſoever was the Opinion of *Machiavel,* this was certainly the Judgment of a Perſonage of great account amongſt the *Lacedemonians,* who openly pro-

pronounced, That was moſt honeſt to the *Spartans* which was moſt profitable to them. To confirm this Opinion, that of *Horace* is alledged, *Ipſa utilitas juſti prope mater et æqui.* Profit almoſt the very Mother of Juſtice and Equity. And how thriving a Principle this is, may be proved by the Example and ſucceſs of the Turks, who relying on this Foundation, moſt happily have far and near extended the Bounds of their Empire throughout *Aſia*, *Africa*, and *Europe*. And to ſpeak the truth, had not ſome Men (who above all others do profeſs themſelves to be Chriſtians, nay the only Chriſtians, and delight to be called the Reformers, and the Reſtorers of the purer Religion) made a great uſe of this moſt wicked Principle, the Chriſtian World had not every where groaned under ſo many Sacrileges, Perjuries, Seditions, Wars, Tumults, and Tyrannies. Hor. 1. Sat. 3.

XI. But on the other ſide; Princes on Earth ought not to abuſe that Power which they have received from God, againſt his Will, or otherwiſe than he intended; for this Power is not given them ſo much as to Lords, as it is intruſted to them by God as his Miniſters, λειτουργοὶ θεῦ and διάκονοι, Rom. 13. 4, 6. It is intruſted to them upon that Account, that they ſhould work Righteouſneſs,

ouſneſs, and not exerciſe Tyranny, and an unjuſt Domination. And this is manifeſt by the very Words of the Text; *By me Kings Reign, and Princes decree juſt Things*; As if to Reign, and truly to be a Prince, were nothing elſe but to decree thoſe things which are juſt and righteous. And the Prophets do every where denounce the moſt ſevere Anger and vengeance of God, againſt thoſe Kings and Princes who had decreed unjuſt Judgments, and had meditated Iniquity as a Law. Neither is the Inlargement of Empire the End of Civil Power, as the Politicians of this World do affirm, but the Preſervation of the People in Tranquillity, and peace, with all Godlineſs and Honeſty, 1 *Tim.* 2. 2. For Juſtice (if there be any other) is the beſt preſerver of the publick peace. And as the Righteouſneſs of Faith doth procure and conſerve the inward Peace of the Conſcience; ſo legal Juſtice doth preſerve the outward Peace of the Common-wealth, *the Fruit of Juſtice*, ſaith the Prophet, *ſhall be Peace*; and the *Theban* Poet, calleth Quietneſs the Daughter of Juſtice. Neither is that the Meaning of *Horace*, as if Honeſty were meerly to be meaſured by profit, the Scope of his Senſe is far otherwiſe, to wit, that Men wild at firſt, and wandering, by the Obſervation

Iſai. 10. 1.
Pſal. 94. 20.

Iſai. 32. 17.
Pindar.

of

of the publick Profit, and the common Good, were brought at the laſt to draw together into one Body, and maintain Societies, and by juſt Laws and Puniſhments to reſtrain Injuries, and Wickedneſs. The Arguments drawn from the Turks (whom it appears that God eſpecially had raiſed up, and made them as his Scourge to correct the great Perfidiouſneſs, and other Sins of the Chriſtians) or from any others, to maintain a bad Cauſe by the proſperous Succeſs that did attend it, do ſavour rather of the *Alcoran* of ſome abominable Miſcreant, than of the Purity of the Goſpel of our Saviour Chriſt.

XII. The ſecond Queſtion is, Whether an unjuſt Law (though it ought not to be made, yet being made) may oblige the Conſcience of the Subject ſo far, as to be bound to obſerve it? For many Things there are which ought not to be done, yet being done are valid: And it may ſo come to paſs, that what could not without Sin be commanded, yet without Sin may be performed, as abundantly we have confirmed in our fore-going Lectures. The reaſon of this Doubt is, Becauſe that true Obedience is no Diſputreſs; for the Practice of Obedience doth properly conſiſt in this, to ſubject ones ſelf to the Will of another without the leaſt

leaſt Murmur or Diſpute: *Nimis delicata eſt Obedientia*, ſaith *Bernard*, *quæ tranſit in genus Cauſæ deliberativum*; *That Obedience is too delicate when it comes once to be ſo deliberate, as to inquire after the Cauſe thereof.* But I anſwer briefly, the Conſcience of the Subject is not bound by that Law. It was my firſt Concluſion in the former Lecture, and confirmed by many Arguments; and if any Man be yet unſatisfied, it may be further proved: For no inferior Power can oblige againſt the Will of the ſuperior Power; therefore the Power of God being above all the Power of Men, there is no Power of any Man whatſoever that can oblige againſt the Will of God, who by his Law hath forbidden all wicked and filthy Things; from whence is that of St. *Auguſtin*, *There can be ſeen no Law which is not juſt.* And by this Reaſon, the Argument drawn from that of Obedience is anſwered, by granting that the Subject ought to ſubmit himſelf without Diſpute to the Will of his Superior, to wit, the ſupreme Superior, into whoſe Will, all Obedience is ultimately reſolved; and not of the ſubordinate Superior, if it appeareth that his Will is averſe to the ſupreme Superior: Now, God is abſolutely the chief Commander, the bare Signification of whoſe Will is ſufficient

ent to induce an Obligation of Obedience, eſpecially ſince it is moſt certain, that his Will cannot be unjuſt. Therefore *Abraham* obeyed God commanding thoſe Things, which if God himſelf had not given him the Charge, might ſeem not only to be hard, and unjuſt, but impious and full of wickedneſs; to wit, that his Father, his Country and Kindred, being all abandoned, he ſhould become a poor baniſhed Man, and travel into a remote, and an unknown Country; nay, that with his own Hand he ſhould cut the Throat of his own Son, in whom alone was not only all the Comfort, and the Succour of his Age, but all the Hope of the Promiſes of God, and that he ſhould lay him on the Altar, and offer him as a Sacrifice to that God who commanded of him ſuch cruel Things. He did rightly indeed, and as it became a Man who deſerved to be called the *Father of the Faithful*, and to be the ſingular Example of an unſhaken Faith to all the World; without the leaſt Heſitation, and with a moſt willing Obedience he made himſelf ready to put in Execution the Commands of God. But as for the Commandments of Men, ſeeing that every Man is lyable to Error and Sin, and *his Will* may be depraved, it is very lawful, nay, where there is a juſt Cauſe of Suſpicion,

Quod jube homo, prohibet Deus: & ego audiam hominem, ſurdus Deo? Bernard. Epiſt. 7.

Suſpicion, it is needful alſo, to examine and to try them. That Admonition of the Apoſtle, 1 *Theſſ.* 5. 2. *Try all Things, and keep that which is good*, may with great right and as fitly be applyed to the Commands of the Superiours, as to the Inſtructions of Teachers, of whom notwithſtanding St. *Paul* in that place doth eſpecially ſpeak. Away then with the Haughtineſs and proud Commands of over-lording Spirits; *ſic volo, ſic jubeo*; This will I have, This I do command: Away with the baſe Flattery of the Papiſts, who think it a Sin for any Man in any Manner whatſoever, to ſuſpect the Dictates of their *Lateran Jove:* Away with their blind Obedience, by which thoſe that enter into their Religious Houſes do by a vow oblige themſelves to obey their Superiors in every thing, and in all things without diſtinction.

Pura mala, ut nunquam juſtè juberi, ſic nec licite poſſunt fieri. Bernard. Epiſt. 7.

XIII. In the third place it is propounded; Whether it be lawful for a Subject to depart from his own Right, and although he be not obliged, yet of his own accord to obey ſuch an evil Law? I anſwer, it is not lawful: For the Law of God doth ſimply oblige to the not doing of any thing that is evil, or unlawful; therefore an unjuſt Law (I underſtand unjuſt in that ſenſe in which we now ſpeak, as unjuſt in Relation

lation to the Matter) cannot lawfully be kept, becauſe God cannot lawfully be offended. For whatſoever is repugnant to the Law of God, or to the Light of Nature known and written in our Hearts, or revealed in the written Word, is not to be admitted by a Chriſtian, either to avoid any particular Detriment whatſoever, or the ſcandal of our Neighbours, or to promote the Favour, or to decline the hatred of our Superiors; *Da veniam Imperator, tu Carcerem, ille Gehennam*, were the Words of the primitive Chriſtians, *Excuſe us Emperor, you can only condemn us to priſon, but God unto Hell.* And ſo before them, ſaid the Apoſtles of our Lord Jeſus Chriſt, *Whether it be right in the ſight of God, to hearken unto you rather than unto God, judge ye.* And before them, the three young Men of the *Hebrews* in the third of *Daniel*; *Be it known unto thee O King, that we will not ſerve thy Gods, nor worſhip the Golden Image which thou haſt ſet up.* Act. 41. 9. Daniel 3. 18.

XIV. In the fourth place, it is demanded, What Law is to be thought ſo unjuſt, that is not only not obliging, but moreover it is unlawful to obey it? I anſwer, a Law may be ſaid to be unjuſt for manifold Conſiderations; Firſt, if it be made by one who is not inveſted 1.

with a lawful Power, and ſo it is unjuſt *propter defectum Juſtitiæ Commutativæ, for the defect of juſtice commutative*, becauſe the Law-giver aſſumeth more than is due or by right doth belong unto him; it doth not therefore oblige the Subject to Obedience; nevertheleſs the Subject if it ſeems expedient to him, and he be not otherwiſe hindred, may depart from his own Right, and obey that Law.

2. Secondly, in Conſideration of the *Final cauſe*, if it doth not tend to the publick Good, nor preſerve the Rights due unto the Commonalty. And this Law is unjuſt by reaſon of the Defect of that Juſtice which they call *Legal*, which always intendeth the common Good, and that the Republick may receive no Detriment. But this Law, howſoever it be unjuſt, doth notwithſtanding oblige the Subject, for the Subject is no competent nor fit judge of *Legal Juſtice*; and if by his Obedience any thing doth follow which is either incommodious, or noxious to the Common-wealth, it is not to be imputed to him, who performed his part well enough, but to the ſupreme Magiſtrate, whoſe Duty it was to provide for the Preſervation and Advancement of the publick Good.

Οὐτι ὑμμες ἰ-
παίτιοι, ἀλλ'
Ἀγαμέμνων,
Ὅς σφῶϊ πρό-
τιμ. Homer.
Iliad. α.

3. Thirdly, in conſideration of the *Formal Cauſe*, if the Law by an unequal Proportion, and

and not by Merit of the Citizens, doth diſpence and diſtribute Burdens and Favors, Puniſhments and Rewards, this Law is unjuſt by reaſon of the Defect of *Juſtice diſtributive*, which commandeth to give all things by Equity to every one, as every one hath deſerved: And this Law, howſoever it be unjuſt, doth notwithſtanding oblige, as well as that, of which but now I ſpoke, and for the ſame Cauſe; for the Diſpenſation of theſe things doth not belong to the Office of a Subject, but of the Supreme Magiſtrate. Fourthly, in Conſideration of 4.
the *material Cauſe*, of which we do now diſcourſe; if the Law doth command any thing that is baſe, diſhoneſt, or any ways unlawful, the ſaid Law is unjuſt, for the Defect of that Juſtice which is called *Univerſal*, which requireth a due Rectitude in every Action: And this alone is ſo far from obliging the Subject to Obedience, that it doth altogether oblige him to render no Obedience to it.

XV. It is demanded in the fifth place, What Juſtice is required, and how much of it will ſuffice as to this, that a Law may be ſaid to be juſt, and eſteemed obligatory? For anſwer, I ſay in the firſt place, It is not neceſſarily required, that what by the Law is commanded, ſhould be *juſt poſitively*, which the Philoſophers

call Honeſt, that is, that it may bean Act of ſome Virtue, but it doth ſuffice, if it be *juſt negatively*, that is, if be it not unjuſt, or ſhameful, as are Acts of all Vices; otherwiſe there could no Laws be made of things of a middle nature, or of things indifferent, which notwithſtanding (as by and by ſhall be manifeſt) are the moſt apt matter of Laws. I ſay in the ſecond place, Grant that ſome Law be unjuſt, in regard of the Cauſe efficient, or the final, or the formal Cauſe, in any of thoſe reſpects newly mentioned, yet if there be no Defect of Juſtice in reſpect of the material Cauſe, that is, If by the Force and Power of the Law the Act to be performed by the Subject be ſuch, that he may put it in Execution without any ſin of his own, that Juſtice of it is ſufficient to induce the obligation.

XVI. But leſt the Subject (too licentiouſly to withdraw himſelf from the Yoak of the Law) ſhould give ſome Pretence for his Diſobedience (as it is a Wonder to ſee how many men do ſuffer themſelves to be deceived by this Paralogiſm) and ſhould allege that the Law doth ſeem too unjuſt unto him, and which with a good Conſcience he cannot obey, and therefore ought not to obey; for this they ſay were to obey with a doubting Conſcience, which cannot be without

Sin,

Sin, as the Apoſtle teacheth *Rom.* 14. 23. *For whatſoever is not of Faith, is Sin*; It is neceſſary therefore in the ſixth place, to inquire farther, and to demand, What certainty is required to know whether any Law be unjuſt or not, that ſo a Subject may be ſecure in his Conſcience whether he be bound or not bound to the Obſervation of it. I anſwer in the firſt place, If the Law be manifeſtly, and notoriouſly unjuſt, it is certain that the Subject is not bound to the obſervation of it; which is alſo to be affirmed, if by any moral certainty (after ſome due diligence in ſearching out the Truth) he judgeth it to be ſimply unjuſt. I ſay in the ſecond place; If out of any confirmed Error of his Judgment, which it is not eaſy for him to leave, he thinks the Law to be unjuſt, when indeed it is not, yet for all that Error in his mind, the Obligation of the Law doth ſtill remain, inſomuch that he is guilty of Sin, if he doth not obey it; but ſhould ſin more grievouſly, if, that Error not yet left off, he ſhould obey it. Of this Caſe we ſhall have a greater Opportunity to ſpeak, when (if God ſhall permit) we ſhall come to the Compariſon of both the ſorts of Obligations. I ſay in the third place; If out of ſome light doubt or ſcruple he ſuſpects it may be ſo, that

1.

2.

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the Law is unjuſt, that ſcruple is to be contemned, and the Law altogether to be obeyed: And no man under the pretence of his tender Conſcience, is to excuſe himſelf from the neceſſity of giving obedience to it.

XVII. I ſay in the fourth place; (And I would to God that thoſe whoſe Cuſtom it is to defend their groſs Diſobedience under the Pretence of their tender Conſciences, would give due Attention to it) If becauſe of ſome probable Reaſons appearing on both ſides, the Subject cannot eaſily determine with himſelf whether the Law be right or not, inſomuch that his Mind is in a great Incertainty, and knows not which way to incline; he is bound in this caſe, actually to obey it, ſo that he ſinneth if he obeyeth it not, and doth not ſin if he obeyeth it. 1. My reaſon is; Firſt, Becauſe by the Rule of Equity, *In dubiis potior eſt conditio poſſidentis, In doubtful things the Condition of the Poſſeſſor is the better.* Therefore when there is a Caſe at Law betwixt the Law-maker, and the Citizen, unleſs there be ſome apparent Reaſon to the contrary, it is preſumed always to be on the ſide of the Law-maker againſt the Citizen, as being in the *Poſſeſſion of right.* But if there appears any ſound Reaſon to the contrary, the Caſe

Caſe is altered, becauſe it is againſt the ſuppoſition of Reaſon; for we then ſuppoſe that they contend in Law, one having as much Right as the other. The ſecond Reaſon ariſeth from another Rule of Law; *In re dubia tutior pars eſt eligenda, In a doubtful Caſe, the ſafer part is to be choſen:* And its ſafer to *obey* the Conſcience doubting, than the Conſcience *doubting not to obey;* becauſe it is ſafer, in the Honour due unto Superiors, to exdeed in the Mode that is due unto them, than to be defective in it. The third Reaſon proceedeth from the ſame Rule; for generally it is ſafer for a Man to ſuppoſe himſelf to be obliged, when he is free, than to ſuppoſe himſelf free, when he is indeed obliged. For ſeeing by the inbred Depravation of the Heart of Man, we ſin oftner by too much Boldneſs, than by too much Fear, and are more prone than it becomes us, to the licentiouſneſs of the Fleſh, and leſs patient to bear the Burthen, unleſs we were throughly before hand reſolved to obey thoſe Laws which are not apparently unjuſt, the *Wiſdom of the Fleſh,* and the *Craft of the old Serpent,* would ſuggeſt unto us Excuſes enough which would retard and hinder us from the Performance of our Duties. And ſo much of the 4th Doubt.

XVIII. The fifth followeth; *Of the permiſ-*

permiſſive Law of Evil; Whether it be lawful, and how far lawful? And whether it be obligatory, and how far obliging? Where in the firſt place we are to obſerve; That an evil Thing may three Ways be admitted by the Law, that is to ſay, *privatively, negatively,* and *poſſitively.* Privatively to be *permitted* is the very ſame, which is *pretermitted* by the Law-giver: And in this Senſe all thoſe Things are permitted, concerning the Forbidding of which, or the Puniſhing of which, the Laws do determine nothing. That negatively is permitted, the Exerciſe whereof the Laws do define and limit with certain Bounds, within which thoſe are ſafe and without fault, who do contain themſelves, but thoſe who do exceed them, are to be puniſhed by the Law: And in this ſenſe, the Laws of moſt Nations do permit of *Uſury.* Thirdly, that is permitted poſitively, the Exerciſe whereof is tolerated under a certain pay of ſome Tribute; and thus Houſes of Incontinence are permitted at *Rome.*

XIX. This Diſtinction being premiſed; In the firſt Place I affirm, That *privatively* many Evils are neceſſarily tolerated in all Common-wealths; for it is impoſſible that the Laws ſhould extend themſelves to all the Species and Kinds of vitious Acts, or that all Kind of Sin ſhould be reſtrained by humane Laws.

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The Law of God hath this only which is admirable and peculiar to it ſelf, that it alone commandeth all Things that are to be done, and forbiddeth all Things that are to be avoided. Now in this Permiſſion there is no place for Obligation; for it is neceſſary that every Obligation ſhould ariſe from ſome *Act*, and not by the *Privation* of *an Act*, or a *Non-Act*. I ſay in the ſecond Place, that the negative Permiſſion of Evil may be lawful; for if there be ſome Evils that cannot be quite taken away without ſome great Inconvenience to the Publick, it pertaineth to the *political Prudence* of Government, ſo to moderate the Uſe of it, and circumſcribe it within certain Bounds, as to make it ſubſervient to the publick Profit: And this by the Example of God himſelf, who permitted the Divorce of Wives to the People of *Iſrael*, to that purpoſe, as Chriſt the moſt excellent Interpreter of the Law expounds it, *Leſt by the hardneſs of their Hearts, and the unbridled roughneſs and cruelty of Husbands to their Wives, there ſhould ariſe more grievous inconveniences.* Mat. 19. 8. I ſay in the third Place; That by this Law, there is no Man, notwithſtanding, obliged to perform that which this Law permitteth; for the End of Permiſſion is, not that that be done which by this Law is permitted, but that nothing

be done beyond that which the ſaid Laws permit. Therefore as the Permiſſion it ſelf is only *negative*, ſo it induceth only a negative Obligation; that is, the Subject is obliged to do if he pleaſeth what the Law permitteth, and not to exceed the Bounds which that Law preſcribeth. I ſay in the fourth Place, That the poſitive Permiſſion of Evil is not lawful, if there be more, or more grievous Evils which follow that Permiſſion, than thoſe are for the Remedy whereof it was pretended; eſpecially if to the Permiſſion and Impoſition of a filthy Thing, there is added a Suſpicion of filthy Lucre. I ſay in the fifth Place, That by ſuch a Law, no Man is bound to the Performance of that which is permitted; nay for all the Permiſſion of that Law, every Man is obliged to a non-performance: My Reaſon is, as to the former part, Becauſe it is againſt the Nature of a *permiſſion* to oblige, for a Permiſſion granteth Liberty, and every Obligation is a kind of a Bond. As to the latter part, Becauſe we ſuppoſe that what by the Law of Man is ſo permitted, is of it ſelf evil, and by the Law of God, we are obliged not to do Evil: The Permiſſion therefore of Evil, as it is a bare Permiſſion, doth oblige no Man to the Performance, but as it is the permiſſion of Evil, it doth oblige every Man not to do that which is permitted. XX. But

XX. But it hath often heretofore been ſpoken, that every law hath a Power obligative, which ſo individually doth accompany it, as but to grant the Law, the Obligation muſt neceſſarily follow, and take away the Obligation you take away alſo the Law with it. It may therefore be objected, that we muſt hereupon either deny the permiſſive Law to be a Law, or acknowledge it doth oblige. To anſwer to this Objection, we need not fly ſo far as to deny the *Law permiſſive* to be a Law, which we do acknowledge not only to be a Law, but a Law properly ſo called. Certainly that Moſaical Law of Divorce mentioned *Mat.* 19. though it comes by name of Permiſſion, Μωσῆς ἐπέτρεψεν, in the eighth Verſe, yet in the ſeventh Verſe of the ſame Chapter it is called a *command*, Μωσῆς ἐνετείλατο. What, and is not the very name of a Law every where given to it, and is not the Definition of that Name as congruous to it as to a *Law* either *commanding* or *forbidding* ſomething to be done; ſo that it cannot be denyed but that the Law is predicated of them all *univocally* and as a *Genus* in reference to its *Species?* Is it not then to be granted, that the Subject by this Law is obliged? I do ſo conceive it altogether to be granted; which that it may more rightly be underſtood to be not incohe-

rent with thoſe Things which have been already ſpoken of a *permiſſive Law*, I ſay in the ſixth Place, That every Law permiſſive, as it is a Law, doth oblige the Subject in his Conſcience to the Obſervation of it. The Reaſon is manifeſt; for an Obligation (as often it hath been already ſpoken) is a neceſſary Effect of the Law, and not to be ſevered from it; which that it may not ſeem to be quite contrary to what now hath been delivered, theſe two Things are to be obſerved, which therefore the more remarkably I ſhall give unto you; The firſt, that I ſaid the permiſſive Law doth oblige to the Obſervation of it: Now it is one Thing that the Subject is obliged to the Obſervation of the Law, which I ſtill affirm; and another Thing that the Subject is obliged to do that which the Law permitteth, which I have before denyed, and do deny it ſtill. The ſecond, that I ſaid the permiſſive Law, as a Law, doth oblige, which is true; but I did not ſay it did oblige, as it was permiſſive, for that is falſe; becauſe we are to know, that the Force of a permiſſive Law, as it is a Law, doth not conſiſt in the Permiſſion it ſelf, which being *differentia diviſiva*, but a *diviſive difference* of the Law, it muſt needs come in Order after it, as every *different diviſive* is by nature in a poſterior

poſterior place to the *Genus* which doth divide it and preſuppoſe it, but is for the moſt part expreſſly or at leaſt virtually contained in that *preception* which is as it were the *conſtitutive* and *formal* Difference of the Law, and in the very Words of the Law it ſelf: For this Preception is that from whence the Obligation of the Subject doth firſt ariſe, and to which his Obedience is ultimately terminated: I will make it manifeſt unto you by Example. By reaſon of the Neceſſity of borrowing of Money, the Maker of the Law permitteth Uſury in a moderate Proportion amongſt the Citizens, a Puniſhment being denounced to thoſe who ſhall exceed by taking more Uſe than the Law allows. I will not here define whether Uſury be ſimply, and in every kind of it, unlawful or not, neither doth it belong to my preſent Purpoſe; nevertheleſs this is certain, that were it never ſo lawful, no Man by that Permiſſion is obliged to the exerciſing of it. But in this Law beſides this Permiſſion which obliges no Man, there are two Things which belonging to the Precept of the Law, have thereupon from the Intention of the Law-giver a Force of obliging the Citizens to the Obſervation of them: One whereof is enjoyned formally and in expreſs Words, to wit, That no man exact monies beyond

yond the Allowance preſcribed in the Law; the other virtually and by Conſequence, that no Man be puniſhed for trading in Uſury as it is by that Law permitted. To conclude therefore in a Word, the Precept or Injunction of the permiſſive Law doth oblige all Subjects, but the Permiſſion no Man.

XXII. The *ſixth Doubt* is of Things indifferent, and of a middle Nature. Now theſe Things indifferent, or of a middle Nature are ſuch, all the *Species* whereof are neither commanded nor forbidden by any Divine Law, (natural, or poſitive.) They are therefore of themſelves, and of their own Nature, lawful to be obſerved as they are not forbidden, and free to be obſerved as they are not commanded. There were ſome of an Opinion that there ought no Laws of Man to be made concerning Things indifferent, but of thoſe Things only which are of a natural, or a divine right, and thereupon they ſaid, that Civil Laws were not ſo much the Conſtitutives of a new Law, as the Declaratives of the old, and Explications and Evolutions of the Divine will. But what need we to confute an Opinion ſo abhorring from all ſound Reaſon, that rather to the contrary we may rightly judge, that *theſe Things indifferent* are the moſt proper and the only

ly moſt fit Matter of Humane Laws? For we are bound to the Obſervation of thoſe Things which God hath commanded, although the Commands of all Men whatſoever are either ſilent, or do contradict them; and as for thoſe Things which by God are forbidden, we are obliged to the not Performance of them, the Laws of Men being ſilent, or never ſo importunately commanding them. Therefore *theſe things indifferent* do remain, as a large Field in which the Power of Man might exerciſe it ſelf, and put forth its Force by inducing an Obligation where there was none before. That manifeſtly it may appear that the civil Magiſtrate in Things *indifferent*, and which before any Act of his, were *free to both*, may ſtate and decree ſomething on either ſide, by determining that indifferency, which may oblige the Conſciences of his Subjects to Obedience. For as in Meat and Drink, and Pleaſures, as alſo in *giving* and *receiving*, the *moral Prudence* of a private Perſon by allowing unto himſelf a golden Mediocrity, doth ſo far advance his natural and indifferent Acts beyond their ſtate and native Condition, that from thence they begin to be Acts of Vertues, to wit, of *Temperance*, and *Liberality*; ſo a Perſon inveſted with the publick Authority doth by his politick Prudence in giving certain Bonds

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of Mediocrity to his Subjects concerning Things free, and of a middle Nature, ſo advance thoſe Acts enjoyned in his Laws beyond the degree of their former State, that they now begin to be Acts of Virtues, to wit, of *Obedience* and *Legal Juſtice.*

XXIII. A Thing moſt plain, and which would have found no Adverſary, if ſo manifeſt a Truth had not preſtringed ſome Reformers of our Age, nay, and of our own Nation, who to make a way to that wild Reformation for which they ſo much contended, had rather againſt common Senſe to take away from the World all indifferency, than to grant unto the Magiſtrate any Power of determining of *Rites* and *Laws:* Altogether like that Macedonian who with his Sword did cut that Gordian knot aſunder, which by no Art he was able to untye. In this, as in many other Things, the true Diſciples of the old Stoicks, who aſſerted that there was nothing indifferent to a wiſe Man, but that he manageth all Things from the greateſt to the leaſt, and even to the paring of his Nails, with the higheſt point of Diſcretion: But they ſo took away this *indifferency out of affairs* with Words only, that at laſt being enforced to it by Reaſons of their Adverſaries, they *in deeds* did grant it, having invented

ed ſome frivolous Diſtinctions, more honeſtly to hide their Errors, that they might not ſeem to have erred at all. But there have been found ſome amongſt us, who have been ſo bold as to defend their odious and exploded Doctrine, in their publick Writings, and that more pertinaciouſly than the Stoicks themſelves did heretofore. Two eſpecially, the one of them a *Divine*, a Man of ſome Account amongſt thoſe of his own Party, the other a *Lay-man*, and one of the Peers of the Land, both of them now dead, with whom, becauſe I believe their Doctrine to be dead alſo, and not eaſily to be received into the belief of ſober Men, much leſs to find a Patron amongſt them, I think it not worth my Labour to inſiſt on the confutation of it.

XXIV. I do receive therefore, as granted, that there are *Things* and *Actions indifferent*, at leaſt in their own Nature, and in the Species of them, which I believe there is no Man ſo Stoicized that will deny; of which in reference to our preſent Purpoſe, this is next to be advertiſed, that an Act indifferent in its own Nature, that is, in reſpect of the Matter or the Object of it, if it be commanded by the Law, from *good* and *lawful*, doth become *honeſt* and *neceſſary*; and if it be forbidden by the Law, from *good* and *lawful*, it

becomes *evil*, and *unlawful*; which comes not to paſs by reaſon of any Change made of the *Thing* it ſelf, (which whether it be commanded or forbidden, both *phyſically*, and *morally*, doth remain the ſame as it was before; for there is no Reſpect that alters Nature) but proceedeth from that Obligation which the Law induceth: From whence it is, that being before, both in *Nature* and *of it ſelf*, ſo alſo in *uſe* and *as to us*, free unto both, the authority of the Law being added to it, it becomes in the uſe of it, and as to us, no longer free; but it is either neceſſary, or unlawful, according to the exigence of the Law.

XXV. If it be demanded, ſeeing the Law appeareth to have an equal Power on either ſide, how comes it to paſs, that the Law by forbidding an Act, can make it of being Good and lawful, to become Evil and unlawful; but the ſame Law, (as heretofore we have denyed it) cannot by commanding an Act, make it from being Evil and unlawful, become Good and lawful? I anſwer, the Reaſon of the Difference is moſt Manifeſt, from that moſt known *Axiome*, *Bonum ex cauſâ integra, malum ex quolibet defectu*; An Act therefore that is Evil in its own Species, and in the reſpect of the Object of it, muſt of neceſſity be always Evil; neither

ther in any exerciſing of it, be the Circumſtances what they will, may it be made Good, by reaſon of the defect of Goodneſs *in the part of the Object*, which defect is ſufficient to corrupt the whole Act: But an Act, Good in its own Kind, or at leaſt not Evil, if it be attended but with ſome one Circumſtance that is indirect, it becometh wholly vitious, by reaſon of the Defect of a due Rectitude in that Circumſtance. From whence ariſeth another Difference betwixt an *affirmative*, and a *negative* Human Law, or a Law commanding, or forbidding; for a Law affirmative doth not give any *Goodneſs* to the Act which it commandeth, if it be otherwiſe evil in any Part of it; but a Law negative doth contribute *evilneſs* to the Act which it forbiddeth, although it be otherwiſe Good in every part of it; or, which is the ſame again, a Humane *Precept affirmative* doth make that neceſſary which it finds to be Good, a humane Precept *negative* doth make that unlawful which it found to be Good; both of them what they found evil, do leave it to be evil as they found it: Notwithſtanding both do oblige in their Manner and as to us; *this*, to the doing of that which by commanding is now made neceſſary, and *that* to the not doing of that which by forbidding is now made unlawful.

XXVI. The Seventh Doubt remaineth of Eccleſiaſtical Laws in Special. By Laws Eccleſiaſtical I do not underſtand thoſe Laws which are conſtituted by Eccleſiaſtical Perſons, without the Authority of the Civil Magiſtrate, (which Conſideration pertains not to this Cauſe, but to a Cauſe of another kind, to wit, the Cauſe efficient) but thoſe which, being made by any lawful Power, do treat of Eccleſiaſtical Things; for at this preſent we diſpute only of the material Cauſe. I have never heard of any, beſides thoſe two above named, who denyed all Indifferency, or who would not grant to the political Magiſtrate ſome Power in things indifferent, merely political. But we meet every where with a great Number of Innovators, who would take from Men all Power of making Rites and Ceremonies in the publick Worſhip of God, beſides thoſe which are preſcribed by Chriſt and his Diſciples in the Goſpel; but ſincerely I profeſs, that to give Satisfaction to my ſelf and others in this Particular, having peruſed many Books written by many Authors, but eſpecially of our own Nation, concerning this Subject; I find not any one, that can produce any juſt or any likely Reaſon of Difference, why there may not be a power of ordaining and determinating concerning things indifferent,

different, as well in Caſes Eccleſiaſtical as Political: For the Arguments which are urged from Scandal and Chriſtian Liberty, and other common places of the ſame Nature, do equally fight againſt the Laws and Conſtitutions of both Kinds, and do overthrow them both, or neither of them. Thoſe which are thought to carry a peculiar Force againſt Eccleſiaſtical Laws and Rites, are four, which as the time will permit, I will briefly, and orderly examine; they are derived 1. *From Chriſt the Lawgiver.* 2. *From the Perfection of the Scripture.* 3. *From the Nature of holy Worſhip.* 4. *From the Example of the ancient Church.*

XXVII. In the firſt place they object that of the Apoſtle *James*, 4. 12. *There is one Lawgiver who can ſave and deſtroy.* In the Reign of *Elizabeth* many, who were the *Coriphæi* of that Diſciplinary Faction, did make very much of this Argument as the Foundation of their whole Cauſe. They alleged that Chriſt was the the only Prince, and Legiſlator of his Church; and the Laws which he made did oblige the Church to a perpetual Obſervation of them, and that no other Laws ought to be admitted, nor any other Legiſlator acknowledged; whoſoever ſhall preſume to make any other Laws, beſides thoſe which Chriſt made, ſhall act the

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Part of Anti-Chriſt, and declare himſelf a raſh Invader into the Office of Chriſt. We have diſcourſed on this place, and expounded it already as Occaſion did require, eſpecially where it was to be proved, that God only and his Chriſt did exerciſe an abſolute and a direct Command on the Conſciences of Men: But that this hath no greater a place in Laws politick, than in eccleſiaſtick, he muſt needs be blind that doth not obſerve it. For why can the Obligation of humane Laws in Civil things, conſiſt with the legiſlative Power of Chriſt alone, and why cannot there be the ſame Conſiſtence in Laws eccleſiaſtical? Who can diſcover or produce the leaſt Shadow of any Difference from that Text. Be Chriſt the Law-giver of the Chriſtian Church, Is he not as well the Law-giver of the Chriſtian Common-wealth? But the Apoſtle in that place made not the leaſt Mention of the Church, nor inſtituted the leaſt Diſputation concerning things Eccleſiaſtical, neither doth he treat there at all, of Political Laws or Rites, but of the Cenſures of Private Men. He would have the Faithful admoniſh'd to be mindful of Chriſtian Charity, and that they ſhould forbear from paſſing a raſh Judgment on their Brothers; for God was only the Judge of Conſciences, who alone made

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that Law by which every Man in the laſt Day ſhall judged. This is the true Scope of that Place; This is the Mind of the Apoſtle. What is here, I pray you, that tendeth to the condemning of Humane Laws? or if to the condemning of them, why of Eccleſiaſtical Laws, more than Civil? Neither of which, either the one, or the other, are aſſerted by us, by themſelves and of their own Virtue, to oblige the Conſcience.

XXVIII. In the ſecond place they object the Perfection of the Holy Scripture. This they ſay is the Rule both of Life and Manners, and which can make a Man of God wiſe to every good Work; to which if any Man ſhall add any thing of his own, he ſhall commit a moſt remarkable Treſpaſs againſt God, and pull moſt heavy Puniſhments on himſelf. All this is moſt certain: But if the Scripture, in all Conſiderations, be the abſolute Rule of our Lives, and of all things whatſoever to be done; and (if we may believe theſe Stoicks) it extends to the ſlighteſt things, inſomuch that it is not lawful to take up a Straw, unleſs it be by the preſcribed Word of God; will it not ſuffice as well for the regulating of things Civil, as Eccleſiaſtical? or how can the Laws of the Church derogate more from the Perfection of the Scripture, than the

Laws

Laws of the Common-wealth? or who is he who rightly can ſay, that he hath added ſomething to the Word of God, who for Honeſty and Order's ſake, did make the Eccleſiaſtical Laws? ſeeing he propounded not his Laws unto the People as the Word of God, and God in his Word hath command d that all things in the Church ſhall be done honeſtly and in order.

XXIX. In the third place they object the Nature of Worſhip, to wit, that the Worſhip of God is a thing ſacred, in which Worſhip all things are to be done by the Command of God, and all Humane Inventions are to be driven far away as ſuperſtitious, nay plainly idolatrous, and traditionary Rites. Indeed the Worſhip of God is a ſacred thing, neither is it lawful for Man to inſtitute any other Worſhip, beſides that which God hath ordained: But becauſe there is an Ambiguity in the Word, we are to diſtinguiſh of the Worſhip of God, which is taken in a threefold Conſideration: And firſt of all, the Worſhip of God properly ſo called, and the chiefeſt, is that inward Worſhip of the Mind, which conſiſteth in the Exerciſe of inward Virtues, as of *Faith*, *Hope*, *Love*, *Invocation*, *Confidence*, *&c.* Secondly, thoſe outward Acts by which that inward

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2.

ward Worſhip of the Mind is partly expreſſed, and partly helped, and foſtered, ſuch as are *publick Prayers*, *Singing of Pſalms*, *the Hearing of the Word*, and the *Participation of the Sacraments*, *&c.* may *reducibly*, and leſs properly be called, and oftentimes are called the *Worſhip of God*, as they are the outward Teſtimonies and Helps of that Worſhip, which ſo properly is called. Thirdly, Seeing it is impoſſible that any outward Action, eſpecially if it be a ſolemn one, ſhould be performed without ſome Circumſtances, either more or leſs, of Time, Place, and Geſture; from whence it comes to paſs, that the very ſame Circumſtances (which if eſtabliſhed by Laws or Cuſtoms, are called alſo Rites) do ſometimes receive the Appellation of Worſhip, although very improperly, and only for that Concomitancy which they have to that outward Worſhip, which it ſelf alſo is improperly called a Worſhip. It is therefore to be affirmed, That the inward primary Worſhip, and properly ſo called, doth only ſo acknowledge God to be the only Author of it, that it is not lawful for any Man either to inſtitute a new Worſhip, or being inſtituted by God, to exhibit it to any other beſide God himſelf. We are to affirm alſo, That the outward Worſhip, according to its ſubſtan-

tials, is inſtituted only by God; but there is a far different Account to be made of the Circumſtances which are acceſſary to this outward Worſhip, and thoſe which do accompany it; if there be any who will honour them alſo with the Name of Worſhip. For ſeeing that the outward Worſhip of God cannot be performed without Circumſtances, and God in the Goſpel hath not given any certain particular Circumſtances perpetually to be obſerved in ſacred Aſſemblies, but only hath laid down ſome Generals as may conduce to Order, Honeſty, and Edification; it muſt neceſſarily follow, that the Determination of the ſaid Circumſtances, which are but *Accidental* to the Worſhip it ſelf, and mutable according to the reſpect of Times, Places, and Occaſions, muſt pertain unto thoſe, who under Chriſt have a Right and Power of governing the Churches; which that they may be impoſed by thoſe, who in the ſeveral Churches are inveſted with publick Authority, and being impoſed, may religiouſly be obſerved by all the Members of the ſaid Churches; the nature of Holy Worſhip doth not forbid, but Solemnity rather, and Decency doth require. We obſerve alſo, that even thoſe Men themſelves, who ſo lordly and bitterly do inveigh againſt the Canons, and Eccleſiaſtical Conſtitu-

tions

tions, yet as often as they pleaſe, do uſe thoſe Rites in the outward Worſhip of God no where preſcribed by Chriſt or his Apoſtles; as the lifting up of their Hands in the taking of an Oath, the uncovering of the Head in the Holy Conventions, and many other things, which becauſe we dayly obſerve to be done, it is unneceſſary to rehearſe them.

XXX. In the fourth place, they object that *Moſes*, the pattern of the old, that is, of the Jewiſh Church, who was given by God to the People of the Jews to be their Lawgiver, did not only by his Law define the Subſtantials of the Jewiſh Worſhip, but according to that Fidelity which was in him, he omitted not the leaſt Circumſtances; and in building the Tabernacle, which was to be a Type of the Chriſtian Church, he moſt compleatly and perfectly finiſhed all things according to the *Idea* of the Example which was propounded to him in the Mount: And now if Chriſt the Lawgiver of the New Teſtament ſhould not have preſcribed all things, and every thing even to the leaſt Circumſtances, which are to be performed in the Eccleſiaſtical Worſhip, it may juſtly be believed (to ſuſpect which is near to Blaſphemy) that he was leſs faithful in the Houſe of God, than *Moſes*; and thereupon there is a remarkable

remarkable Injury and Contumely done unto Chriſt, if any new Rites never inſtituted by him, ſhould by human Authority be brought into the Church, or be received by the Chriſtian common People. But they who do object theſe Things, ought in the firſt place to have conſidered, that by this Argument, all human Political Laws are no leſs everted than Eccleſiaſtical; for *Moſes* by the Commandment of God did give unto the People of *Iſrael*, a certain and a defined Law, not only of thoſe Rites which belonged to the Worſhip of God, but alſo of thoſe Decrees, and Judgments, which belonged to the Adminiſtration of Civil Government.

XXXI. In the ſecond place, it is a Wonder moreover, that they obſerved not, that by this Compariſon of that fidelity which was in both Lawgivers, *Moſes* and Chriſt, that they could not more importunately have alledged any Thing that could bring a greater Damage to their own Cauſe, or more ſtrongly have confirmed ours: For, as from that, that *Moſes* both in *rituals* and *judicials* did give many Laws unto the People of the Jews, we do truly collect, it was the Will of God, that the People of the Jews ſhould be ſo reſtrained in their Duties under that Pædagogy, and *Moſaick* Diſcipline,

cipline, as under a Yoak of ſervitude, ſo that very few Things ſhould be free unto them; ſo from that alſo, that Chriſt the moſt faithful Interpreter of his Father's Will, did give unto the Chriſtian Church but a very few Laws of Ceremonies, we do truly collect that it is the Will of God, that the Magiſtrates and Chriſtian people, ſhould be permitted in thoſe Things to their own Liberty; ſo that is is now free for any private Man of his own accord (no Command, or Prohibition of a Superior intervening) to do as ſhall ſeem in his own Judgement to be moſt expedient, and to the ſeveral Churches, and their Governours, to preſcribe thoſe Things, which, according to the Condition of the Time and Place, ſhall ſeem to them to be moſt ſubſervient to Order, Honeſty, Edification, and Peace.

XXXII. Moreover, Thoſe who do make uſe of this Argument, ought in the third place to have conſidered, that under that Pædagogy of *Moſes*, the Jews themſelves had not all the Liberty of Rites, in Things pertaining to the Worſhip of God, ſo taken away, that it was not lawful for them by their own Authority, to obſerve and to inſtitute thoſe Things, which it is manifeſt were never commanded either by God himſelf or by

Moſes

Moſes his Servant. Of many take theſe few Inſtances; Firſt, the ſolemn Feaſt of the Paſſover, which by the Law of *Moſes* was commanded ſhould be obſerved but ſeven days, was by a ſpecial Law of *Hezekia*'s (who received a ſingular Teſtimony of his Piety from God himſelf) and by the conſent of the People, continued ſeven days longer: The Hiſtory is extant 2 *Chron.* 30. Secondly, *Eſther* and *Mordecai* did inſtitute, that the Feaſt of *Purim* ſhould be yearly celebrated in Memory of that Deliverance, which God vouchſafed to the Nation of the Jews under *Ahaſuerus* King of the Perſians, *Eſther.* 9. Thirdly, when *Moſes* commanded but one day only in the Year to be obſerved in the ſeventh Month, for a ſolemn Faſt, the Kings and Magiſtrates of that People (for what cauſes it is not known, but likely in the Remembrance of ſome remarkable Judgments of God) did by their own Authority inſtitute annual ſolemn Faſts; inſomuch, that in the Days of the laſt of the Prophets, there were four ſolemn Faſts kept every year, *viz.* three others beſides that of the ſeventh Month, in the fourth, fifth, and tenth Month; of all which mention is made, *Zach.* 8. 19. Fourthly, the Feaſt of the Dedication of the Altar, called *Encænia*, was inſtituted by the *Aſamonians*,

ans, without any Command of God; The Hiſtory is to be read 1 *Maccab.* 4. 59. And by the Judgment of the moſt and beſt Interpreters, Chriſt himſelf is thought, not only to have approved of it, but to have honoured it with his Preſence, *Joh.* 10. 20. Fifthly, we find it no where to be enjoyned by any Commandment of God, that in ſolemn *Faſts* and penitential Mourning, they ſhould put on Sack-cloth, and ſtrew Aſhes on their Hair; but amongſt the Jews for ſome Ages paſt, the long Cuſtom was ſo received, and ſo obtained the Force of a Law, that Chriſt himſelf did uſe that manner of Speech, as from the Cuſtom of that Nation, and ſhewed not the leaſt diſlike of it; *Matth.* 11. 21. Sixthly, it is manifeſt by the Writings of the *Rabbins*, that it was the Manner alſo of the Jews before the Supper of the Paſſover, that the Maſter of the Family ſhould ſtoop ſo low, as to waſh the Feet of thoſe of his own houſhold; which although commanded by no Law of God, we find it to be obſerved by Chriſt, as it is manifeſt in the Hiſtory of the Goſpel, *Joh.* 13. Why ſhall I here number up the Synagogues every where builded in ſo many Cities, and Towns, for the Conveniency of ſacred Conventions, and many other Things, a long Catalogue whereof,

of, the Jewiſh Commentaries do afford us: From all which this may be concluded; If ſo many Things pertaining to the Worſhip of God, were lawful for the Jews to alter, under that Yoak of ſeverer Diſcipline; there can no probable Argument be derived from their Example, to overthrow the force of Eccleſiaſtical Humane Laws.

FINIS.